THE MADRAS LEGISLATIVE COUNCIL

Saturday, the 8th March 1958.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Allowances to Headmasters of Local Board Schools.

* 55 *Q.*—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether it is a fact that different rates of dearness and house-rent allowances are paid to Headmasters of Secondary Schools by various local boards; and

(*b*) if so, the reasons therefor ?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Finance) : (*a*) & (*b*) The Government have no information on the points.

SRI G. KRISHNAMOORTHY : May I submit, Sir, that my original question was about the duty allowance of Headmasters and not this allowance?

THE HON. SRI M. BHAKTAVATSALAM : Sir, this question relates to dearness and house-rent allowances. So far as dearness allowance is concerned, the teachers must be getting it and the Government are subsidising it. There is no question of subsidising house-rent allowance. This depends upon the capacity of the local bodies concerned. Some local bodies must be giving this house-rent allowance, and it may be that certain other local bodies are not able to give this house-rent allowance.

Health Cess.

* 56 *Q.*—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether there is any proposal before the Government to levy a health cess; and

(*b*) if so, the stage at which the matter now stands?

THE HON. SRI M. A. MANICKAVELU : (*a*) No, Sir.

(*b*) Does not arise.

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SRI T. PURUSHOTHAM : Was this question discussed at the State Ministers' Conference and, if so, what conclusions were arrived at?

THE HON. SRI M. A. MANICKAVELU : It was once discussed at the State Ministers' Conference at Ranchi. Then it was deferred. It was again discussed at Bangalore. No definite decisions were taken.

SRI T. PURUSHOTHAM : Why was not this proposition considered at the State level?

THE HON. SRI M. A. MANICKAVELU : Personally I am against this. But I do not know whether the hon. Member is desirous of having this.

SRI MOHAMED RAZA KHAN : May I know, Sir, if the rules permit a private Member to bring in a Bill to levy a health cess, and if the hon. Member were to introduce such a Bill, whether the Government would accept it?

SRI T. PURUSHOTHAM : I have no intention of introducing such a Bill.

Pension to Secondary Grade Teachers.

* 57 *Q.*—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether it is a fact that secondary grade teachers of over 30 years' service, who retired after 1st April 1955, have not been considered eligible for pension; and

(*b*) if so, the reason therefor?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Finance) : (*a*) No, Sir.

(*b*) Does not arise.

SRI G. KRISHNAMOORTHY : Sir, as I have got information that in many cases teachers are denied pension at the departmental level, will the Government kindly see that such cases are scrutinised under rule 10 (*b*) of the pension rules and are awarded pension?

THE HON. SRI M. BHAKTAVATSALAM : This order about pensions to teachers came into effect from 1st April 1955. Under this order, all teachers who have put in 30 years' service and retired at 55 years or 60 years of age, according as they are local body teachers or aided school teachers, are entitled to pension. But if there had been break of service on account of resignation, then they will not be entitled to pension. This is the position. Only in such circumstances pension would have been denied to them. But if the hon. Member would bring to the notice of the Government specific cases, they would be looked into.

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SRI G. KRISHNAMOORTHY : In view of the fact that in the case of most of the aided school teachers, the termination of service would be only by resignation on account of the attitude of the management, will the Government kindly see that they revise rule 10 (*b*) so that any teacher, irrespective of the break of service, may get pension, if he had put in the required service?

THE HON. SRI M. BHAKTAVATSALAM : That is a different proposal, about which the hon. Member may put a separate question. Under the prevailing rules, if there had been break of service on account of resignation, they will not be entitled to pension.

SRI T. P. SRINIVASAVARADAN : We have received a communication that the matter is under consideration.

SRI G. KRISHNAMOORTHY : Sir, is it not a fact that teachers who retired after 1st April 1955 are denied pension because they completed their 55th year in the case of district board schools or 60th year in the case of the aided high schools before 1st April 1955?

THE HON. SRI M. BHAKTAVATSALAM : That was not so, Sir. If they had retired after 1st April 1955, they might have been denied pension because there had been break of service on account of resignation. Now the hon. Member Sri Srinivasavaradan has given the information that the Government are considering this question also.

Highways and Irrigation Departments.

* 58 *Q.*—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether there is any proposal before the Government to integrate the Highways and Irrigation Departments with the Public Works Department; and

(*b*) if so, the reasons therefor and the stage at which the matter now stands?

THE HON. SRI P. KAKKAN : (*a*) Yes, Sir.

(*b*) It has been suggested that a good deal of duplicate touring by officers and also the number of officers employed for different types of work, e.g., roads, buildings, irrigation, etc., can be reduced by integration of the Highways Department with Public Works Department. The details in this regard are being worked out.

SRI V V. RAMASWAMI : இது விஷயமாக எப்பொழுது முடிவு எடுக்கப்படும், எப்பொழுது அந்த முடிவு அமுலுக்கு வரும் என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI P. KAKKAN : இப்பொழுது பரிசீலனை செய்து கொண்டிருக்கிறோம். எப்பொழுது இது அமுலுக்கு வரும் என்று இப்பொழுது சொல்ல முடியாது.

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SRI V. V. RAMASWAMI : நீர்ப்பாசன இலாகா தனியாக இருக்குமா அல்லது அதுவும் சேர்ந்து இணைக்கப்படுமா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI P. KAKKAN : இரிகேஷன் டிபார்ட்மெண்டு, ஹைவேஸ் டிபார்ட்மெண்டு இரண்டையும் இணைப்பதுபற்றித்தான் பரிசீலனையில் இருக்கிறது.

Increase of salaries of teachers.

* 59 *Q.*—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state whether the orders sanctioning an increase of Rs. 12 in the salaries of teachers have been communicated to the various panchayat elementary schools in the State?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Finance) : Copies of the orders have been communicated to Class I Panchayats. They have not been communicated to individual elementary schools. It is open to the panchayats to communicate copies to their schools.

SRI G. KRISHNAMOORTHY : May I know, Sir, when exactly this order was communicated to the panchayats?

THE HON. SRI M. BHAKTAVATSALAM : I do not have the particulars with me. This was sanctioned in November 1956. When this was communicated to other institutions, this must have been communicated to the panchayats also.

SRI G. KRISHNAMOORTHY : Is it a fact that the Government have placed at the disposal of the panchayats the funds required for the payment of this enhanced sum of Rs. 12?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir. The Government are sanctioning the full grant to the panchayats towards expenditure on this account.

SRI G. KRISHNAMOORTHY : Is this delay in payment due to the delay in sanction of the Government allotment?

THE HON. SRI M. BHAKTAVATSALAM : So far the Government have not received any representation from any panchayat in regard to this matter.

SRI G. KRISHNAMOORTHY : As Government are posted with information by me that panchayat teachers have not been paid this enhanced amount, will they kindly see that the amount is paid immediately?

THE HON. SRI M. BHAKTAVATSALAM : Sir, the Government have sanctioned the full grant towards the expenditure, and they have communicated this order to all the panchayats. They have not received any representation to the contrary from any of the

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panchayats. That is the position so far as the Government are concerned. If the hon. Member would specifically point out any cases of teachers not having received the increased allowance, then the Government might look into the matter

Sri G. KRISHNAMOORTHY : All the teachers in the panchayats of the Nannilam taluk have not received this allowance.

The Hon. Sri M. BHAKTAVATSALAM : The hon. Member may put a separate question.

Official Language Commission.

* 60 Q.—Sri V. V. RAMASWAMI : Will the Hon. the Chief Minister be pleased to state—

(a) whether any memorandum has been submitted by the Government to the Government of India on the Report of the Official Language Commission; and

(b) if so, the recommendations made therein?

The Hon. Sri R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (a) Yes, Sir.

(b) The memorandum containing the views of this Government on the Report of the Official Language Commission has already been placed on the table of the House.

Sri V. V. RAMASWAMI : இது விஷயமாக மத்திய அரசாங்கத்தினிடமிருந்து மேலிட்டு ஏதாவது பதில் வந்திருக்கிறதா என்பதை அறிய விரும்புகிறேன்.

The Hon. Sri R. VENKATARAMAN : இல்லை.

Incidents on the banks of the River Cauvery at Tiruchirappalli on 26th November 1957.

* 61 Q.—Sri A. SUBRAMANYAM : Will the Hon. the Minister for Home be pleased to state—

(a) whether the attention of the Government has been drawn to the reports in the Press about certain incidents on the banks of the River Cauvery at Tiruchirappalli on 26th November 1957 in which the sacred threads and tufts of Brahmins were cut; and

(b) if so, whether any official report has been received by the Government and the action taken thereon?

The Hon. Sri M. BHAKTAVATSALAM : (a) Yes, Sir.

(b) Official reports on the incident were received by the Government. The Police registered a case in this connection and after investigation, five persons were arrested. All the five accused were recently convicted by the Additional First-class Magistrate, Tiruchirappalli, and sentenced to R.I. for terms ranging from 6 weeks to 3 months.

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SRI A. SUBRAMANYAM : இந்த சம்பவத்திற்குப் பிறகு, சென்ற ஜனவரி மாதம் 15-ம் தேதியன்று திருச்சிக்கும் கரூருக்கும் மத்தியில் பழூர் என்ற கிராமத்திற்கு அருகிலுள்ள ரஸ்தாவில் ஸ்ரீ எஸ். ஸ்வாமிநாத ஐயர் என்பவரை மூன்று திராவிடக் கழகத்தவர்கள் தாக்கி அவருடைய பூணூலை அறுத்ததாகவும், அதன் பிறகு அவருடைய குடுமியை வெட்டப் பிரயத்தனித்துவிட்டு ஓடிவிட்டதாகவும், இது சம்பந்தமாக பாதிக்கப்பட்ட ஸ்ரீ ஸ்வாமிநாத ஐயர் பக்கத்திலுள்ள ஜீயபுரம் போலீஸ் ஸ்டேஷனில் புகார் செய்ததாகவும் தெரிகிறது. இந்த சம்பவம் குறித்து அரசாங்கத்தார் என்ன நடவடிக்கை எடுத்திருக்கிறார்கள் ?

THE HON. SRI M. BHAKTAVATSALAM : மூலக் கேள்வியில் குறிப்பிடப்பட்ட சம்பவம் குறித்து போலீசார் நடவடிக்கை எடுத்ததன்பேரில், குற்றம் சாட்டப்பட்டவர்கள் அந்தக் குற்றத்தைச் செய்தார்கள் என்பது நிரூபிக்கப்பட்டு அவர்களுக்கு சிறை தண்டனை விதிக்கப்பட்டது என்று சொன்னேன். அப்படிப்பட்ட சம்பவங்கள் நடக்கக் கூடும். அப்படிப்பட்ட சம்பவங்கள் நடந்தால், அப்போதைக்கப்போது அரசாங்கத்தார் நடவடிக்கை எடுக்கிறார்கள். கனம் அங்கத்தினர் தமது உப-கேள்வியில் மற்றொரு சம்பவத்தைப்பற்றிக் குறிப்பிட்டார். இம்மாதிரி திடீரென்று ஏதாவது ஒரு சம்பவத்தைப்பற்றிக் குறிப்பிட்டு அது சம்பந்தமாக அரசாங்கம் என்ன நடவடிக்கை எடுத்தது என்று கேட்டால், அதற்கு உடனே பதில் சொல்ல முடியாது.

SRI A. SUBRAMANYAM : ஒரு கழகத்தின் தலைவர் "தேசீயக் கொடியை எரித்துவிட்டேன். இனி மேல் பிராம்மணர்களின் குடுமிகளையும் பூணூல்களையும் வெட்ட வேண்டியதுதான் நமது அடுத்த ஜோலி" என்று பகிரங்கமாகக் கூறியதனால்தான், அந்தக் கழகத்தவர்கள் இம்மாதிரியான மிருகத்தனமான காரியங்களைச் செய்து வருகிறார்கள். ஆகவே அந்தக் கழகம் சட்டவிரோதமான கழகம் என்று அரசாங்கத்தார் உத்தரவிடக் கூடாதா ?

THE HON. SRI M. BHAKTAVATSALAM : இதைப்பற்றி கனம் அங்கத்தினர் தனிக் கேள்வி கேட்க வேண்டும்.

General and Health Camps.

3-10 p.m. * 62 *Q.*—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Finance be pleased to state—

(*a*) the facilities afforded by Government in the matter of organization of general and health camps for (i) school and college students and (ii) others such as social workers;

(*b*) whether the Government will be pleased to place on the table of the House the report of Mrs. Mary Clubwala Committee appointed in 1947 to consider the above problem and the orders passed by the Government on the recommendations of that committee; and

(*c*) what steps the Government propose to take to provide well-equipped open air camping places in suitable localities in the State?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Finance) : (*a*) The Labour and Social Service Camp is a scheme sponsored by the Government of India. Under this scheme, youth camps are being conducted by the students, both boys and girls, of High Schools and Colleges and by the voluntary organizations such as Bharat Sevak Samaj, Bharat

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Scouts and Guides, National Cadet Corps, Auxiliary Cadet Corps, Guild of Service, etc., in the Community Development areas for a period of three weeks during vacations. The entire expenditure of the scheme is met by the Government of India.

(*b*) No specific action was taken on the report of Mrs. Mary Clubwala Committee of 1947 and no useful purpose will be served by placing that report on the table of the House.

(*c*) There are no specific proposals at present. If concrete suggestions are however made, they will be considered on their merits.

SRI V. CHAKKARAI CHETTY : Do you take these people seriously? Do not you think that these are mere pranks and to use the language of Shakespeare, they are children of . . . .

MR. CHAIRMAN : We are now on the next question.

SRI T. PURUSHOTHAM : When was the report received by the Government and why has no action been taken so far on it?

THE HON. SRI M. BHAKTAVATSALAM : The report was received some time ago. I do not have with me the exact date. The camps are being conducted. The suggestions of the committee have been taken into account while organizing these camps. As I have stated already, these camps are fully financed by the Government of India.

SRI T. PURUSHOTHAM : What is the objection to place a copy of the report on the table of the House or to have it circulated to Members?

THE HON. SRI M. BHAKTAVATSALAM : There is no objection. The point is, it will serve no useful purpose and so, it is not worth while to place the report on the table of the House.

SRI T. PURUSHOTHAM : On the authority of the prime author of the Report, who is in this House now, I learn that excellent recommendations have been made. We should have a copy of the Report. May I request the Hon. Minister to have copies sent to hon. Members?

THE HON. SRI M. BHAKTAVATSALAM : The hon. Member has been regularly and enthusiastically using the Legislature Library. If it is not there, I will see that it is supplied to the Library.

SRI T. PURUSHOTHAM : It is not there.

SRIMATHI MARY C. CLUBWALA JADHAV : Is the Hon. Minister aware that this Committee was appointed by the Government for selecting camp sites and making its recommendations to Government? What has been stated in the answer is something different. We were asked to select regular camp sites for school children and others.

THE HON. SRI M. BHAKTAVATSALAM : I am obliged to the hon. Lady Member for this enlightenment.

DR. V. K. JOHN : Has any recommendation of the Committee been implemented and, if so, what is that recommendation?

THE HON. SRI M. BHAKTAVATSALAM : It is the theme, the invariable, favourite and popular theme, of the hon. the Deputy Leader of the Opposition that no recommendation is accepted by the Government. But the position is otherwise with the Government.

SRI T. PURUSHOTHAM : Have any camp sites been actually selected and recommended by this Committee and have any been acquired by the Government?

THE HON. SRI M. BHAKTAVATSALAM : Perhaps, the hon. Lady Member, who presided over that Committee, might be able to give useful information about it. This Committee's Report was taken full advantage of in the matter of organizing these camps.

Licences to hotels and restaurants.

* 63 Q.—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether it is a fact that some Municipalities and Panchayats have resolved not to grant licences to hotels and restaurants bearing caste names;

(*b*) whether any report has been received by the Government in this regard; and

(*c*) if so, the action taken thereon?

THE HON. SRI M. A. MANICKAVELU : (*a*) Rasipuram Municipal Council is the only Municipal Council which has passed resolution prohibiting the use of caste names in the name boards of hotels.

(*b*) A copy of resolution of the Rasipuram Municipal Council has been received.

(*c*) The Municipal Council has been informed that its resolution is in excess of the powers vested in it under the Madras District Municipalities Act, 1920. The Council has been advised to cancel its resolution.

SRI V. V. RAMASWAMI : இதற்கு முனிசிபல் சட்டம் இடம் தரா விட்டால் இதற்கேற்ப முனிசிபல் சட்டத்தைத் திருத்தியமைப்பதற்கு அரசாங்கம் முன்வருமா ?

THE HON. SRI M. A. MANICKAVELU : அப்படிச் சட்டத்தைத் திருத்த இயலாது என்பது 'லீகல் ஒபினியன்' ஆக இருக்கிறது. ஆகவே, சட்டத்தைத் திருத்துவதும் முடியாத காரியம் என்று சொல்லிக்கொள்கிறேன்.

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Sri V. V. RAMASWAMI : சட்டத்தை இயற்றுவது நம் சட்டப் பேரவைதான். பொதுஜன அபிப்பிராயத்தையும் காலப்போக்கையும் அனுசரித்து நல்ல காரியம் செய்வதற்காக சட்டத்தைத் திருத்த வேண்டியிருந்தால், அதை உணர்ந்து, சட்டத்தைத் திருத்துவதற்கு அரசாங்கத்தார் நடவடிக்கை எடுப்பார்களா ?

The Hon. Sri M. A. MANICKAVELU : சட்டத்தைத் திருத்த நடவடிக்கை எடுக்கலாம். ஆனால் எடுக்கப்படும் நடவடிக்கை பொதுமக்களின் உரிமைகளுக்கு எதிராக இருந்தால், அந்த நடவடிக்கையை எடுக்க முடியாது.

Kundah Hydro-Electric Scheme.

* 64 Q.—Sri T. PURUSHOTHAM : Will the Hon. the Minister for Electricity be pleased to state—

(a) the financial arrangements made by the State Government for the execution of the Kundah Hydro-Electric Scheme; and

(b) the date on which the scheme will be put into commission?

The Hon. Sri V. RAMAIAH : (a) In accordance with an agreement entered into with the Government of India, the Government of Canada have agreed under the Colombo Plan to give aid for the execution of the Kundah Project in the shape of machinery, equipment, etc., valued at 25 million dollars (i.e., about Rs. 12·5 crores). The cost of machinery, etc., supplied by the Government of Canada, valued at the International price, will be about Rs. 9·62 crores and this will be treated as a loan given by the Central Government to the State Government. With the formation of the State Electricity Board from 1st July 1957, the above loan assistance received by the State Government will be treated as a loan to the State Electricity Board. In addition to the above assistance, the expenditure on the project on civil works, cost of establishment, etc., which is likely to amount to Rs. 25·82 crores will be met by the State Electricity Board.

(b) By 1960–61.

Sri V. V. RAMASWAMI : குந்தாத் திட்டம் நிறைவேறிவிட்டால், அடுத்த ஆண்டிலாவது மின்சார வெட்டு இல்லாமலிருக்கும்படி பார்த்துக் கொள்வதற்கு அரசாங்கம் உறுதி கூறுமா ?

The Hon. Sri V. RAMAIAH : குந்தாத் திட்டம் 1960–61-ம் ஆண்டில் நிறைவேறப் போகிறது. அடுத்த ஆண்டிற்குள் அது எப்படி முடியும் ? இருந்தாலும் அதற்கு முன்னதாகவே பெரியாறுத் திட்டம் நிறைவேறப் போகிறது. மின்சார வெட்டு அடுத்த ஆண்டில் இருக்காது என்றுதான் நான் நம்புகிறேன்.

Sri T. PURUSHOTHAM : Has the foreign exchange difficulty been got over and have all the machinery and equipment been received?

The Hon. Sri V. RAMAIAH : In this case, there is no difficulty as far as foreign exchange is concerned. All the machinery required will be supplied by Canada and it will come in time for the completion of the project.

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DR. V. K. JOHN : Is there any hope that in the near future, the electricity charges will be substantially reduced?

THE HON. SRI V. RAMAIAH : A separate question may be put.

SRI V. V. RAMASWAMI : பெரியாறு திட்டம் மே மாதத்திலாவது பலனளிக்குமா ? அல்லது, ஜுலை மாதம் வரை போகுமா ?

THE HON. SRI V. RAMAIAH : இந்த ஆண்டின் அந்தப் பகுதி மாதங்களில் தான் முடியும்.

SRI MOHAMED RAZA KHAN : Is it not a fact that the Canadian representatives who visited the project have expressed their appreciation of the work in progress?

THE HON. SRI V. RAMAIAH : Not only the Canadians; whoever visits the project and sees the work will be definitely much impressed and will have high appreciation for the work.

SRI T. PURUSHOTHAM : Will the hon. the Deputy Leader of the Opposition be satisfied with it?

THE HON. SRI V. RAMAIAH : If he goes there—I wish he goes there—he will be satisfied.

SRI A. M. ALLAPICHAI : Is there any proposal to take the Members of the Legislature to that place?

THE HON. SRI V. RAMAIAH : I invite the Members to visit the project and express their appreciation. (Sri V. V. Ramaswami : At their own expense.)

Finance Commission.

* 65 *Q.*—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) the proposals and recommendations placed by the State Government before the Finance Commission; and

(*b*) the amount the Madras Government will get for the year 1957–58 and also in future as a result of the recommendations of the Finance Commission?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Finance) : (*a*) The proposals and recommendations of the State Government made to the Finance Commission are contained in the Memoranda submitted by this Government to the Finance Commission copies of which are made available in the Legislature Secretariat Library for reference by Members.

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(*b*) The Budget Estimates 1957–58 and the anticipated receipts as a result of the Commission's recommendations from the share of Central Taxes in 1957–58 and 1958–59 compare as follows :—

Budget Estimate 1957–58.	Receipts as now anticipated in 1957–58.	Anticipated receipts for 1958–59.
RS. LAKHS.	RS. LAKHS.	RS. LAKHS.
(1)	(2)	(3)
703	875	905

The additional revenue over and above the Budget Estimate of 1957–58 will be Rs. 172 lakhs for 1957–58 and Rs. 202 lakhs for 1958–59.

SRI K. BALASUBRAMANYA AYYAR : May I request the Hon. Minister, to make copies of the report available to hon. Members so that they may read them? To read them here in the library would mean that we have to come here and at a particular time only. Otherwise, it would not be possible for us to go through the report. 3-20 p.m.

THE HON. SRI M. BHAKTAVATSALAM : I am sorry I cannot give any assurance—the report is a bulky volume—whether we can print it and place it on the table of the House.

SRI MOHAMED RAZA KHAN : May I request the Hon. the Chairman whether he can postpone this question to some other day so that Members can go through the report and put supplementaries next time?

MR. CHAIRMAN : No.

THE HON. SRI M. BHAKTAVATSALAM : If the Hon. Chairman would permit me, I can give some information about these recommendations briefly, for the benefit of the hon. Members.

DR. V. K. JOHN : May I request, Sir, on behalf of the Members that we may have the benefit of the information promised by the Hon. Minister?

MR. CHAIRMAN : The Hon. Minister may furnish the information.

THE HON. SRI M. BHAKTAVATSALAM : *Income-tax.*—Before the award of the Finance Commission, out of the net proceeds of income-tax, 55 per cent was divided among the States. This divisible pool was further divided among the States, 80 per cent on the basis of population and 20 per cent on the basis of collections. The Madras State was on this basis entitled to a share of 7·95 per cent of the divisible pool.

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According to the recommendations of the Finance Commission, the divisible pool has now been increased to 60 per cent. The Finance Commission has also recommended that the States should get out of this, 90 per cent on the basis of population and 10 per cent on the basis of collections. On this basis, the share of the Madras State would be 8·4 per cent of the total divisible pool.

The Budget Estimates 1957–58 and the estimate as fixed, taking into account the above recommendation of the Finance Commission, compare as below :—

	Budget Estimate 1957-58.	Estimate fixed as a result of the award of the Finance Commission.
	RS. LAKHS.	RS. LAKHS.
	(1)	(2)
Share of income-tax ..	511	604

Share of Excise duties.—Before the award of the Finance Commission, the Central Excise Duties on the following three commodities were shared with the States :—

Matches ;

Tobacco ; and

Vegetable products.

Out of the net proceeds of this, 40 per cent was distributed to the States on the basis of population.

The Finance Commission has recommended that the following commodities may also be added to those on which the Central Excise Duties will be shared :

Sugar;

Tea;

Coffee;

Paper; and

Vegetable non-essential oils.

But only 25 per cent of the total collections is to be shared with the States. The share of Madras in this divisible pool has been determined to be 7·56 per cent.

The Budget Estimates 1957–58 and the estimates as fixed, taking into account the award of the Finance Commission, compare as below :—

	Budget Estimate. 1957–58.	Estimate fixed as a result of the award of the Finance Commission.
	RS. LAKHS.	RS. LAKHS.
	(1)	(2)
Share of Excise duties ..	171	215

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The Finance Commission has also recommended that the additional excise on sugar, tobacco and textiles to be levied in replacement of the general sales tax should be shared with the States on the following basis :—

Each State should get a specific amount as guaranteed proceeds from the yield of the Central Excise, this amount being limited to the actual proceeds from the general sales tax on these commodities during 1956–57. On this basis, this State would get Rs. 285 lakhs as guaranteed proceeds from these three commodities.

The Finance Commission has presumed that the proceeds of the additional excise duty would exceed the total of the guaranteed allotments. The balance remaining over and above this would be shared by the States and this State's share is 7·74 per cent. No credit has, however, been taken for this either in 1957–58 or in 1958–59 as it is problematic whether the extra yield would materialise.

Share of taxes on railway fares.—This is a new tax which was imposed by the Government of India in the Budget presented in May 1957. The Finance Commission has recommended that the receipts from the railway taxes should be divided between the States in the ratio of the route mileages. On this basis, we would get 6·46 per cent of the net proceeds. The Finance Commission estimated that there would be a total revenue of Rs. 96 lakhs in a full year. Actually, the Government of India have now informed us that we may be getting only Rs. 64 lakhs in 1958–59 and Rs. 34 lakhs in the current year.

The following table summarises the receipts before and after the award of the Finance Commission :—

—	*Budget Estimate, 1957–58.*	*Revised Estimate, 1957–58.*	*Net effect in 1957–58.*	*Net effect for a full year.*
	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.
	(1)	(2)	(3)	(4)
Income-tax	511	604	93	93
Excise duty	171	215	44	44
Taxes on Railway Fares.	..	34	34	64
Estate Duties	21	22	1	1
			172	202

DR. V. K. JOHN : I am deeply indebted to the Hon. Minister for giving us the information. May I suggest that we may have copies of the recommendations of the Commission and the representations made by the Government as the matter is very important?

THE HON. SRI M. BHAKTAVATSALAM : I have already said that all that would depend on the volume of the Report.

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SRI MOHAMED RAZA KHAN : Have the Government of Madras represented to the Central Government that they should be classified as a backward State and that they should get grant-in-aid as is given to the other States in India?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir.

SRI T. PURUSHOTHAM : May I suggest that the statement read by the Hon. Minister be typed and circulated to hon. Members?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir, that can be done.

SRI MOHAMED RAZA KHAN : What were the factors that made the Government of India come to the conclusion that Madras was a forward State so that it might be deprived of grants-in-aid similar to those given to the neighbouring States?

THE HON. SRI M. BHAKTAVATSALAM : They had certain criteria. Particularly, they took into consideration the income-tax revenues. Our State, I think, stands third in the order of collection of income-tax revenue. They adopted uniform criteria and on that basis, they came to the conclusion that Madras, Bombay and Uttar Pradesh were in the forward stage.

SRI K. BALASUBRAMANYA AYYAR : There has been less evasion of income-tax in this State and therefore it is that the revenue from income-tax has been the highest in this State.

THE HON. SRI M. BHAKTAVATSALAM : I cannot say anything about it. I have no information on that.

SRI MOHAMED RAZA KHAN : Sir, apart from the income-tax revenue obtained from a State, may I know whether the industrial backwardness of the area is taken into consideration for purposes of the grant?

THE HON. SRI M. BHAKTAVATSALAM : Yes, it is only comparative.

SRI A. M. ALLAPICHAI : In determining the backwardness or forwardness of any particular area, is the intellectual capacity of that area taken into account, Sir?

THE HON. SRI R. VENKATARAMAN : Perhaps, it is because of that that we have been classified as forward.

THE HON. SRI M. BHAKTAVATSALAM : I do not think the intellectual capacity is assessed in any definite way and taken into account.

DR. V. K. JOHN : May I know whether the highest rate of taxation was taken into account?

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THE HON. SRI M. BHAKTAVATSALAM : I agree that it is a matter to be taken into account. When this State bears that taxation, that shows its capacity.

SRI MOHAMED RAZA KHAN : May I know whether the reclassification of the State for this purpose could be taken up only after a period of five years or whether the Government of Madras could, in the meanwhile, take this up with the Central Government?

THE HON. SRI M. BHAKTAVATSALAM : I am sorry, Sir, we shall have to wait for the next Commission. But we do hope that we shall progress and will advance rather than go backward.

Medical examination of servers employed in public restaurants.

* 66 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Revenue be pleased to state—

(a) whether any arrangements have been made by the Government for periodical medical examination of servers employed in public restaurants, hotels and coffee houses; and

(b) if so, what they are?

THE HON. SRI M. A. MANICKAVELU : (a) Yes, Sir.

(b) The Government have issued instructions to local authorities to enforce the annual medical examination of all employees of catering establishments as far as possible.

SRI T. PURUSHOTHAM : May I know, Sir, whether such a medical examination is being made before the entertainment of the hotel servers?

THE HON. SRI M. A. MANICKAVELU : Not exactly like that, Sir. In the light of the recommendations of the Committee which was appointed, instructions were issued in 1953 to make a periodical examination. But, as I said, they are not quite effective. Now, there is a proposal to amend some of the rules to make them more effective.

SRI T. PURUSHOTHAM : Are the officers of the Public Health Department empowered by the present Public Health laws to ensure the removal of diseased servers and cooks from such public establishments? 3-30 p.m.

THE HON. SRI M. A. MANICKAVELU : I have said just now that the medical examination and other steps taken are not effective and that, therefore, it is proposed to take more powers. Then only we can immediately exclude an employee from such a place of employment if it is insanitary or if he is affected by any contagious disease. Even the immediate closure of the business in

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such a place of employment until no further danger of outbreak of disease exists and then the medical examination of the employee and his associates could be effectively enforced only when we modify the rules.

Sri T. PURUSHOTHAM : Will the Hon. Minister kindly enlighten us on what the recommendation of the Hotel Sanitation Committee in the matter is and on what action has been taken thereon?

The Hon. Sri M. A. MANICKAVELU : It is only on the basis of such suggestions and recommendations, as I have already told the hon. Member, that it is proposed to amend the rules.

Dr. V. K. JOHN : May I put the usual question whether these recommendations have been implemented?

The Hon. Sri M. A. MANICKAVELU : I said just now that it was proposed to implement them.

Sri G. KRISHNAMOORTHY : Am I right in thinking that the cause of the disease lies more in the use of plates and spoons than in the health of the servers?

The Hon. Sri M. A. MANICKAVELU : Not only spoons and plates but also the health of the employee must be taken into account.

Dr. V. K. JOHN : Will the Government provide a rule that a register should be kept recording the result of the medical examination of the employee?

The Hon. Sri M. A. MANICKAVELU : I am sure that when the rules are amended, all these things will be taken into consideration. They will make them as foolproof as possible.

Broadcast.

* 67 *Q*.—Sri V. V. RAMASWAMI : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether the State Government is consulted in regard to the regional news and talks broadcast from the Madras and Tiruchirappalli Stations of the All-India Radio;

(*b*) whether this Government have made any representation to the Union Government in this regard; and

(*c*) if so, with what result?

The Hon. Sri M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Finance) : (*a*) The State Government are not consulted in regard to the regional news broadcast by All-India Radio. The Press materials put out by the Information Department of the State Government are, however, used by the All-India Radio along with other materials collected by All-India Radio from other sources.

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As regards talks, the schedule of talks is sent once a quarter by All-India Radio to the State Government for any comments they may have to make. Besides this, talks on the progress of Development Schemes are arranged by All-India Radio in consultation with the State Government.

(*b*) No.

(*c*) Does not arise.

SRI MOHAMED RAZA KHAN : As it concerns mostly this State, could not the Government of Madras represent to the Central Government that some Members of the Legislature might be included in their Committee so that they might give advice to them?

THE HON. SRI M. BHAKTAVATSALAM : I do not think the Government should make such a representation. Sir, as it is, committees are constituted, taking into consideration the representative capacity of persons who could also offer good advice.

As regards talks, the concerned Department of the State Government makes arrangements in that regard in consultation with the Heads of Departments. Six talks in English and six talks in Tamil, for every quarter, on the developmental activities of the State are arranged by All-India Radio. Other talks under 'Rural Programme' are also arranged from the Tiruchirappalli Station of the All-India Radio.

SRI V. V. RAMASWAMI : மாலையிலே ஒலிபரப்பப்படுகின்ற பிராந்தியச் செய்தியில் நமது மாநிலத்துச் செய்திகள் மிகவும் குறைவாகவும் மற்ற மாநிலங்களின் செய்திகள் அதிகமாகவும் இருக்கின்றன. பிராந்தியச் செய்தி முழுவதையும் நமது தமிழகத்தின் செய்தியை ஒலிபரப்புவதற்கே ஒதுக்கிக்கொடுக்கவேண்டுமென்று சென்னை அரசாங்கம் மத்திய அரசியலாரைக் கேட்டுக்கொள்ளுவார்களா ?

THE HON. SRI M. BHAKTAVATSALAM : அவ்வாறு பூராவும் பிராந்தியச் செய்தியைத் தமிழகத்தின் செய்திக்கே ஒதுக்கித் தரவேண்டுமென்று நாம் கேட்பது சரியல்ல. கனம் அங்கத்தினர் அவர்கள் ரேடியோ செய்திகளைக் கூர்ந்து கேட்பதாகத் தெரிகிறது. பிராந்தியச் செய்தியிலே நமது ராஜ்யச் செய்திகள் குறைவாக இருப்பதாக அங்கத்தினர் கருதினால், அதைக் குறிப்பிட்டு அரசாங்கத்திற்கு எழுதினால் அதுபற்றி கவனம் செலுத்துவோம்.

SRI V. V. RAMASWAMI : இரவு 8 மணி சுமாருக்கு ஒலி பரப்பப்படும்பொழுது, திருச்சியிலிருந்து ஒலிபரப்பப்படும் நல்ல நிகழ்ச்சிகளைக் கேட்டுக் கொண்டிருக்கையில், டெல்லி அஞ்சல் என்று சொல்லப்பட்டு பூராவும் ஹிந்தியிலே ஒலிபரப்பப்படுகிறது. அது ஒன்றும் புரியாமல் போய் விடுகிறது. திருச்சியிலிருந்து ஒலிபரப்பப்படும் நிகழ்ச்சியை நிறுத்திவிட்டு புரியாததைக் கேட்டுக்கொண்டிருக்க வேண்டியிருக்கிறது. ஆகவே, திருச்சியிலிருந்து ஒலி பரப்பப்படுவது பூராவும் தமிழிலேயே இருக்கவேண்டுமென்ற கருத்தையும், ஆகாசவாணி என்று சொல்லுவதை விடுத்து. வானொலி என்ற தூய வார்த்தையை உபயோகிக்கவேண்டுமென்ற கருத்தையும் நமது அரசியலார் மத்திய அரசியலாரிடம் வற்புறுத்துவார்களா ?

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THE HON. SRI M. BHAKTAVATSALAM : இந்த அரசாங்கம் இது சம்பந்தமாக எந்த வகையிலே கவனம் செலுத்தவேண்டுமோ அந்த வகையில் கவனம் செலுத்திக்கொண்டு வருகிறது. கனம் அங்கத்தினர் அவர்கள் நம்மை விட்டு ராஜ்ய சபைக்குச் சென்று விடுவார்களோ என்று நாம் எல்லோரும் பயந்துகொண்டிருந்தோம். துரதிருஷ்டவசமாக அவர்கள் அந்த எண்ணத்தைக் கைவிட்டுவிட்டார்கள். இருந்தாலும் அங்கு இருக்கும் கனம் அங்கத்தினருடைய நண்பர்களிடம் சொல்லி பார்லிமெண்டில் இம்மாதிரிக் கேள்விகளைப் போடச் சொல்லும்படி அவரிடம் கேட்டுக் கொள்ளுகிறேன்.

SRI V. V. RAMASWAMI : ராஜ்ய சபைக்குப் போய் விடுவார்களோ என்று பயந்துகொண்டிருந்தோம் என்று சொல்லிவிட்டு, ' துரதிருஷ்டவசமாக ' என்று ஏன் சொல்லுகிறார்?

Travellers' Bungalows

* 68 *Q*.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether it is a fact that this Government have agreed to place under the management of the Central Government some of their travellers, bungalows for the benefit of tourists; and

(*b*) if so, the travellers' bungalows so proposed to be placed under the management of the Central Government and the terms and conditions under which they are to be so placed?

THE HON. SRI P. KAKKAN : (*a*) No, Sir.

(*b*) Does not arise.

SRI T. PURUSHOTHAM : Have not the Tourist Branch of the Central Government offered special grants for improvement and proper maintenance of Travellers' Bungalows and Rest-Houses in our State?

THE HON. SRI P. KAKKAN : They offered aid for the Travellers' Bungalows.

SRI T. PURUSHOTHAM : How much has been offered as grant and what progress has been made to execute the necessary repairs to Travellers' Bungalows and Rest-Houses with the proffered aid from the Central Government?

THE HON. SRI P. KAKKAN : The hon. Member may put a separate question.

Causeway across the Cooum River.

* 69 *Q*.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) whether there is any proposal before the Government to construct a bridge or causeway across the Cooum river near Takkolam;

(*b*) if so, the estimated cost of the scheme; and

(*c*) when the work will be taken up?

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THE HON. SRIMATHI LOURDHAMMAL SIMON: (a) No, Sir.

(b) & (c) Does not arise.

SRI T. PURUSHOTHAM: Will the Government have this matter examined as this bridge is on an inter-district road connecting Chingleput and North Arcot districts? For want of this bridge, great inconvenience is caused to the public.

THE HON. SRIMATHI LOURDHAMMAL SIMON: Once in five or six years high floods occur. At present there is no programme with the Government to have any bridge there. Though it is an inter-district road connecting the North Arcot district with Chingleput, it is really maintained by the North Arcot District Board and we hope that they will maintain that road in proper condition.

SRI T. PURUSHOTHAM: As there is a provision of Rs. 17 lakhs in the Budget this year for upgrading such roads by taking them over from the District Boards, will the Government have this matter examined further?

THE HON. SRIMATHI LOURDHAMMAL SIMON: This road is not taken into consideration at present and it is not included in the Budget for the coming year. It will be considered if it is necessary.

MR. CHAIRMAN: Questions are over.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ANNOUNCEMENT BY THE HON. CHAIRMAN *RE* MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN: I have to announce to the House that I have received the following message, dated 12th February 1958, from the Governor of Madras:—

"In pursuance of Article 207, clause (3), of the Constitution of India, I, Bishnuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council, the consideration of the Madras Maternity Benefit (Amendment) Bill, 1958".

III.—GOVERNMENT MOTION.

MOTION UNDER RULE 23 (1) OF THE MADRAS COUNCIL RULES *re* TRANSACTION OF GOVERNMENT BUSINESS ON A NON-OFFICIAL DAY.

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, Sir, I beg to move— 3-40 p.m.

"That rule 23 (1) of the Madras Council Rules be suspended and this House do resolve to transact Government Business on Saturday, the 8th March 1958".

MR. CHAIRMAN : The question is—

" That rule 23 (1) of the Madras Council Rules be suspended and this House do resolve to transact Government Business on Saturday, the 8th March 1958."

The motion was put and carried.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS ANIMAL PRESERVATION BILL, 1958.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I beg leave to introduce the Madras Animal Preservation Bill, 1958.

MR. CHAIRMAN : The question is—

" That leave be granted for the introduction of the Madras Animal Preservation Bill, 1958."

The motion was put and carried and leave was granted.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I introduce the Bill.

(2) THE MADRAS BHOODAN YAGNA BILL, 1957 (L.A. BILL NO. 15 OF 1957).

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I beg to move—

" That the Madras Bhodan Yagna Bill[a], 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be taken into consideration."

Sir, the Joint Select Committee, after a careful scrutiny of the various clauses of the Bill, suggested certain changes in the Bill. The Legislative Assembly accepted the changes and in addition, made two changes.

I shall briefly indicate the main changes.

The Preamble has been amplified so as to include the provisions relating to the Gramdan villages and Gramdan lands within the purview of the Bill.

In the definition under clause 2 of the Bill, new definitions for Gramdan lands, Gramdan village and Sarvodaya Panchayat have been added. The definition relating to " landless poor person " has been amplified to be more specific.

In the definition of " Gramdan village " occurring in clause 2 (e) of the Bill, for the words " one or more persons ", the words " not less than two-thirds of the number of persons owning lands ", and for the words " two-thirds ", the words " one-half " were substituted in the Assembly.

* Printed as Appendix on pages 383–394 infra.

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The Committee decided to recast sub-clause (1) of clause 4 of the Bill so as to provide that the State Board shall consist of a Chairman and ten or more but not exceeding fourteen other members, to be appointed by the Government in consultation with Sri Acharya Vinobha Bhave or a person nominated by him in this behalf. Consequently, sub-clause (2) of clause 4 of the Bill has been omitted. Just as there is a provision for consulting Sri Acharya Vinobha Bhave for the constitution of the State Board, the Committee considered that even for dissolving the Board, Sri Acharya Vinobha Bhave should be consulted. Provision has accordingly been made in clause 10 of the Bill.

Clause 11 of the Bill has been amplified so as to vest all lands donated for Bhoodan Yagna in the State Board, whether donated before or after the commencement of the Act. It was also decided to omit sub-clause (2) of clause 11 of the Bill.

The Committee decided to increase the strength of Local Committee under sub-clause (1) of clause 15 from three to five members.

As the period of three months fixed for the filing of objections under clause 17 (2) of the Bill was considered to be too long, the Committee has suggested that a period of two months will be sufficient. Clause 17 (2) has been accordingly amended.

The Committee decided to include a provision in the Bill to the effect that, as far as possible, the wishes of the donor should be taken into consideration in the distribution of lands. It also decided that the approval of the Government was not necessary for distribution of lands. Clause 19 (1) has been suitably amended and old sub-clause (2) of clause 19 has been omitted. The Committee desired that three months, instead of six months, would be sufficient for instituting civil suits under clause 23. The clause has been amended accordingly.

The original Bill did not contain any provision about Gramdan lands. As the Committee desired to include in the Bill provisions relating to Gramdan lands also, new clauses 25 and 26 have been inserted for vesting in, and the management of the Gramdan lands by the Sarvodaya Panchayat. New clause 27 has been added empowering the State Board to make regulations for the conduct of business. Provision has also been made for placing copies of the rules and notifications issued under this Act on the table of both the Houses.

Sir, I now move that the Bill, as passed by the Legislative Assembly, be taken into consideration.

MR. CHAIRMAN: Motion moved—

"That the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be taken into consideration."

The motion is before the House for discussion.

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, I welcomed this Bill when it was introduced. I do so again. One of the chief alterations made by the Joint Select Committee is about Gramdan lands. Now, Gramdan donations have also been included. The definition of 'Gramdan land' has also been given. There was some discussion and expression of opinion. I was very much interested that, in respect of Bhoodan, the whole Board should be autonomous and self-contained. But I think it is not possible for all time to come. So long as Shri Acharya Vinobha Bhave is there, the Board will be constituted on his advice. But afterwards, the whole thing will have to be done by the State Government. Except for this, the other changes are all minor changes in the Bill. Therefore, I think that this Bill may be passed subject to amendments that may be moved.

* DR. V. K. JOHN: Mr. Chairman, Sir, while I approve very heartily of the object behind this Bill, I am sorry to say that this Bill as drafted has gone into unnecessary details and has lost flexibility which should be there in a Bill like this. The object of this Bill is to incorporate a Board under the name 'The Madras State Bhoodan Yagna Board.' Now, we must incorporate that under clause 3 which provides for incorporation. Sub-clause (2) of clause 3 says—

'The State Board shall be a body corporate having perpetual succession and a common seal with power to enter into contracts and to acquire, hold, administer and transfer property, movable or immovable, and shall, by the said name, sue and be sued.'

Now, the primary object of this legislation was to incorporate a Board which would hold property and which would have permanent succession. Now, we have gone into many details after incorporation. They could have provided three or four clauses and left everything to grow. Every piece of legislation should have two characteristics. One is certainty and the other is flexibility. This movement, as everybody knows, has been started by the greatest saint alive in the world perhaps. Everybody approves of what he is doing. He is trying to change the heart of man in this country. He is actually propagating the ideology of 'Love thy neighbour as thyself'. He is preaching the cult of equality and fraternity. Now, this movement is in its infancy. We do not know how it will develop. Many difficulties may be met with when it develops. Therefore, in this Bill there should be more flexibility than certainty. Now, we need have only provided for incorporation of a State Board and for vesting of all properties, movable and immovable, in it. Provision should also be made for exemption from stamp duty and registration. Provision should also be made that the constitution, powers, functions and duties of this Board shall be prescribed by rules framed by the Government from time to time. It would have been sufficient if provision had been made empowering the Government to make rules. Now, the Government have gone into details in clause 28. I do not see any reason why they should have done so at all. We must

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know how it develops. So, once the Board is to be incorporated, it would have been sufficient if provision had been made to make rules for its constitution, etc. Then, the Board would decide how the properties which are the subject-matter of Bhoodan should be administered. Now, it ought to have been left to the Board to do that. Clause 11 says—

"All lands donated for purposes of the Bhoodan Yagna whether before or after the commencement of this Act shall subject to the provisions of sections 16, 17 and 20 vest in the State Board."

I do not know why "subject to the provisions of sections . . ." 3-50 p.m. should have been provided in respect of all properties. The subject-matter of Bhoodan should vest in the Board. It should have been left to the Board to deal with it. The Board is constituted on the recommendation of, not in consultation with, that great saint who is still alive with us. Are we not bound to follow his directions? Now, the Board ought to have been constituted and then the Board should decide from time to time what it should do and it should deal with these properties, movable and immovable. If it is a village, it will see how it should be developed. We could have given all these functions to the State Board. It may deal with the properties in a particular manner in the beginning and may change it in the light of experience. It is, therefore, not for us to say what the Board should do. We ought not to have tried to define the jurisdiction or the functions of the Board. We should have constituted it as recommended by the great saint and we should have allowed it to do everything necessary to deal with its properties, movable or immovable. Of course, we should provide for exemption from stamp duty and we should provide for the powers and functions of the Board which will be exercised from time to time.

In clause 3 (1) of the Bill, it is provided, "The duty of carrying out the provisions of this Act shall, subject to the restrictions, conditions and limitations therein contained, be vested in a Board to be called 'The Madras State Bhoodan Yagna Board'". Now, the Government have taken particular care to say that the Board must function subject to the restrictions, conditions and limitations contained in the Bill. I do not know why that draftsman has said, "The duty of carrying out the provisions of this Act shall, subject to the restrictions, conditions and limitations therein contained, be vested in a Board".

Now, look at the provisions. Is there provision for the term of office of the Board? Is there provision for its functions? Is there provision for the conditions and limitations of the Board? The provisions of the Bill are to be carried out by various authorities and particularly by the Government. The provisions of the Bill themselves say who is to carry out certain functions. It is a very bad draft and I personally think that it has been drafted by some "Pundit" who is fond of going into details. He could

have simply stated "Incorporate the Board" and given it perpetual succession. We incorporate a company under the Companies Act. Then, it gets perpetual succession. It would have been sufficient, as I said earlier, if the Board had been constituted. We should leave it to the Board to make by-laws. Then, a few clauses would have been of great service to develop this Bhoodan movement instead of winding it up with so many rules and restrictions spread over 28 clauses.

As a matter of fact, the Bhoodan movement itself has been altered from time to time. Sri Acharya Vinobha Bhave is more concerned to-day with the villages than with the bits of land he was concentrating upon. Now, this movement is bound to develop and when it develops, it will take a particular course. Therefore, when we pas an enactment on a subject like this, we must give plenty of scope for development. That is known as flexibility. Now, this Bill with all its details does not give that flexibility which a movement like this requires. I am, therefore, of the opinion that the Government should again go into this matter and see whether flexibility is lost and whether the movement cannot develop. If this is lost, then they must amend the Bill. Of course, I know that they are not going to do it. I am only suggesting to them, as a student of law, that they must provide in a matter like this more flexibility than certainty and that there must be only a few clauses. Therefore, if they had simply constituted the Board and left to it to carry out its functions in the best manner according to its opinion, it would develop. I am quite sure that this legislation will hinder the movement which all of us want to develop. I am also not quite sure whether this movement which is based on such high principles of selfless service, love of others, fraternity and equality, will develop very quickly within our country. Nevertheless, everyone of us must give our support to the movement which has been initiated by a great saint. Whatever we can do, we must do for the development of this movement. Although the conditions, restrictions and controls vested in the Government may hinder the development of this movement, I would request the Government to consider the effect of this Bill from time to time very seriously and to repeal the restrictions which hinder it.

4 p.m. * SRI A. M. ALLAPICHAI: Mr. Chairman, Sir, the Deputy Leader of the Opposition has very correctly said that Vinobhaji is perhaps the greatest living saint to-day, not in our country alone, but, I think, in the whole world. Vinobhaji is one of the greatest disciples of our Leader, Gandhiji. Some time back, before Vinobhaji started this movement, it was thought by a certain section of the people in the world that man was essentially a greedy person and that good feeling would not touch him. That was the feeling then. That is why a certain philosophy was based on class hatred. This philosphy said, "There cannot exxist any love between certain classes; one class is the born enemy of the other class". This philosophy had its course in some countries of the world.

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There were bloodshed, violence, confusion and chaos. Whatever that may be, Sri Vinobha Bhave knew and knows human nature much better than philosophers belonging to that type of thought. He came forward and said that man was essentially good. He said that, in spite of man's weakness, he had essentially very good qualities. Therefore, Vinobhaji took up this principle, went from place to place, and appealed to the people in the way in which the people should be appealed to. He toured all over our place. What is the result? The result is tremendous. Lakhs and lakhs of acres of land have been donated by our people quite willingly without any pressure from any Government whatsoever. As a matter of fact, much of heat was generated in this House and in the other House regarding the imposition of the agricultural income-tax. On the other hand, we see how Vinobhaji has appealed to the people and also the result of his appeal. Even the most reactionary set of people have been converted to his way of thinking, and they have donated enormous extents of lands. Sir, as I have already pointed out, he has actually converted very many people belonging to the other school of thought, namely, those who believe in violence. I make no exaggeration here. I feel that certain changes in the intellectual outlook which we see for the last one or two years in other countries of the world, are entirely due to the great movement of this saint, perhaps the greatest saint of the world. The whole movement was undertaken by a great saint in his individual capacity. This is more or less a private endeavour. Without any help from any Government and without any sanction of any Government, it was almost a private endeavour of a very great individual. It is because of its nature that it has met with such a great success. In matters like this, the Government should have as little share as possible. No doubt, I quite see that the whole thing would be managed nicely. If we entrust thousands and thousands of acres of land to unscrupulous people without any control, there is the likelihood of things going wrong. This should no doubt be checked. The Government should exercise as little influence or as little power as possible upon the Board and the members of the Board. As far as possible, it must be treated as an autonomous body. However, the Government should have certain powers of supervision. Otherwise, it will lose all its significance. When once the people begin to think that it is, after all, a thing of the Government, they will lose all interest. I do not want our people to lose interest. Whatever we have achieved by this movement is no doubt good. But we should not stop here. We should see that more lands come under this Board. This can take place only if the people know that this Board is an independent body. The Government must no doubt have some powers of supervision. Except this they should not have much to do with the Board. The Board must be something like the Wakf Board. It may be something like the University. If the people are made to feel that it is, after all, a Government affair, they will look with some suspicion, and they will not take much interest. It is a fact. To-day it is the Congress Government. To-morrow it may be another Government.

DR. V. K. JOHN : This feeling has developed after having had national Government for the last so many years.

* SRI A. M. ALLAPICHAI : Whatever may be the nature of the Government, they should not have much to do with this Board. Even if the Gods were to run the Government, still there will be criticism of the Government. I am not afraid of criticism, because there must be criticism. Without criticisms, Government will die. Therefore, I say, as far as this matter is concerned, the Government must have very little powers over this Board. Thank you, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, this is a wholesome piece of legislation. As the Hon. Minister has said, careful attention has been paid to every provision in this Bill. But two points seem to have been omitted here. The provisions of the Bill give the impression that the subject of the gift can be only agricultural land. Land has not been defined in this legislation at all. Land which will be the subject of gift has not been defined at all. Land which is the subject of gift may be agricultural land, may be non-agricultural land, or may be house property also. The purpose for which the gift is to be made is given here. The gift may be for purposes of cultivation or for community purposes. When the gift is intended for community purposes, the property gifted will vest in the Government. If such properties are house properties, they will be held for the benefit of the entire community of the village. A house property cannot be properly called ' land '. Every provision makes some mention of land alone. Therefore, land should have been defined here, but that has not been done. This is one lacuna.

Again, in regard to the land assigned to political sufferers, there is difficulty. Suppose the land has remained waste before the assignment. Then, if the land has not been brought under cultivation within three years of the assignment, it cannot be the subject of donation at all. The provision in the Bill gives this impression. If a particular land has been assigned to a political sufferer, if that land has remained waste before the assignment, and if he has not brought the land under cultivation within three years of the assignment, that land can never be received for Bhoodan purposes. The provision in the Bill gives us this impression. Clause 16 of the Bill says that no gift of land assigned to a political sufferer will be accepted if, within three years of the assignment, he has not brought it under cultivation. Suppose he has not brought the land under cultivation for two or three years and later on begins

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to cultivate it. Suppose also, after he has cultivated it for two or three years, he takes it into his head to gift it away for Bhoodan purposes. Can that be accepted or not? It cannot be accepted. That is the impression that this provision gives. The Bill requires amendment in this respect also.

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* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, it is no doubt unfortunate that the hon. the Deputy Leader of the Opposition and other lawyer Members of this House were not also on the Joint Select Committee. I did see that the hon. the Deputy Leader of the Opposition took a very keen interest in the deliberations of the other Joint Select Committee—the one on the Prohibition Bill. But anyhow, the hon. Member Mr. Balasubramanya Ayyar was on the Joint Select Committee on this Bill and he took very keen interest in going through the various provisions of the Bill. I agree that a statute must be elastic. That was one maxim which was enunciated by many lawyer Members here. But a statute must also be specific and particularly one relating to land. One could easily anticipate any amount of litigation regarding questions relating to land that is offered as Bhoodan. Therefore these provisions have to be made as clear as possible. Those who are very closely associated with the leader of this movement were asked to make suggestions regarding this measure. They took considerable time and finally they sent us a draft outline. We also got copies of statutes in other States on this subject, went into all those Acts and prepared a draft Bill. The draft was sent to those who had been closely associated with this movement. We took into account the various suggestions made by them and I may again tell the hon. the Deputy Leader of the Opposition that the closest associates of Vinobhaji are now quite satisfied with the provisions of this Bill.

Reference was made by the hon. the Deputy Leader of the Opposition to the provision in the Bill relating to the constitution of the Board. It was said that it was not right that Government should constitute the Board in consultation with Vinobhaji. I do not think it is right to burden that great leader with every act relating to the constitution of the Board. It is not practicable to expect that he would personally apply his mind in the matter of the constitution of the Board. Provision has, therefore, been made that the Government will constitute the Board. But they will do so in consultation with Vinobhaji.

The hon. Member, Mr. Krishnaswamy Ayyangar, I have seen, was taking considerable interest in scrutinizing Bills like this when he was in the other House. It was rather unfortunate that neither he nor the Deputy Chairman could be on the Joint Select Committee. Regarding the clause referred to by the hon. Member, I mean clause 16 of the Bill, I see that it is not exhaustive. It mentions a few cases only. Let me make it clear that in the case of land which is absolutely one's own, there is no difficulty in the matter of donation. In the case of a political sufferer who has got absolute ownership of the land under the terms of grant of land to political sufferers, there is no difficulty. If no specific mention is made of such instances, I do not think that will create any difficulty in the matter of donation of land.

With these words, I commend the motion to the House for its acceptance.

MR. CHAIRMAN : The question is—

'That the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be taken into consideration.'

The motion was put and carried and the Bill was taken into consideration.

MR. CHAIRMAN : The hon. Member Mr. Krishnaswamy Ayyangar has given notice of several amendments. Is he moving them all?

* SRI P. S. KRISHNASWAMY AYYANGAR : I would just point out how the necessity for the amendments arises. If they are not acceptable to the Government, I shall not press them. If even at the outset, they say that they will accept them, in that case also I shall not dilate on them.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, regarding amendment No. 19 given notice of by the hon. Member, the mistake has occurred in the copy of the Bill circulated here and that has been corrected. In the Bill placed before the other House, there was no such mistake.

Regarding amendments Nos. 18 and 20, I would like to point out that the fourth amendment under 18 is to clause 16 (2) which relates to land governed by the Malabar Tenancy Act. Perhaps, the hon. Member thinks that Malabar having gone out of Madras, there is no necessity for this provision. Sir, the Malabar Tenancy Act is still in force in parts of the Nilgiris district. Therefore, this sub-clause should be there. Amendment No. 20 is only a consequential amendment and so, it is not necessary.

In other amendments, the hon. Member has made verbal suggestions. As regards certain other matters relating to the power of the State Board, I think they are all matters of policy which have been thoroughly discussed. With reference to amendment No. 10, I may say that it is the intention of the Government that the State Board should give its opinion regarding the sufficiency of excuse on the part of a member for failure to attend its meetings and not the Government. The Deputy Chairman very rightly pointed out that the Government should not take such powers and that the Board should be given as much autonomy as possible. In fact, the State Board will have sufficient autonomy and the Government will give necessary help and guidance; wherever there is any difficulty, they will step in to remove that. Therefore, it is a
4-20 p.m. question of policy. It has been thoroughly discussed and it is not possible to accept the amendment.

Then, again, in regard to amendment No. 12, originally the words 'if he is available for consultation' were used in the Bill. The Joint Select Committee deliberately deleted those words. The inclusion of the words 'if possible' suggested in the amendment

would mean the same thing. I do not think that it will be right to include these words when the Joint Select Committee very rightly deleted those words. Therefore, I think the amendment need not be accepted.

With regard to amendment No. 4, the additional definition is not necessary since 'prescribed' means prescribed by rules. We considered this also in the Joint Select Committee.

Besides these things, Sir, the other amendments relate to verbal suggestions for changes. Perhaps, the suggestions could or could not be accepted. But I think, even without those amendments, the provisions read quite all right. Therefore, may I suggest to the hon. Member not to press the amendments for the reasons pointed out by me?

MR. CHAIRMAN : Is the hon. Member moving his amendments?

* SRI P. S. KRISHNASWAMY AYYANGAR : With a word of explanation, I shall withdraw the amendments. I will deal with some of the amendments I have given notice of.

MR. CHAIRMAN : If the hon. Member wants to speak on any of his amendments, he must move them and get them seconded. Otherwise, he cannot speak on them.

Clause 2.

MR. CHAIRMAN : The motion is—

'That clause 2 do stand part of the Bill'.

* SRI P. S. KRISHNASWAMY AYYANGAR : I move the following amendment :—

'In clause 2, *for* the existing sub-clause (*e*), *substitute* the following, namely :—

"(*e*) 'Gramdan village' means any revenue village or part thereof which is declared by the Government by notification to be a 'Gramdan village' and the lands in which amounting to not less than half the total extent of the lands thereof have been donated by their owners who should form not less than two-thirds of the number of persons owning lands in that revenue village or part thereof, such donated lands forming also all the lands owned by the donars in that revenue village or part thereof." '

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sub-clause (*e*) of clause 2 gives the definition of 'Gramdan village'. It includes within its scope an entire revenue village or a part thereof. Therefore, whenever we want to refer to the Gramdan village and when we want to specify a particular portion, we should either say 'the village' or 'part of the village'. But, if we use the expression 'that village' or 'the village' alone, it will indicate only the entire revenue village and not a part thereof. The expression used in the last but one line of the sub-clause is 'that village'. 'That village'

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will simply indicate the revenue village and not a part thereof. On the other hand, the correct expression that should be used is 'that village or part thereof '.

Then, Sir, the definition seems to point out that the donor should be a resident of that village wherein the lands donated are situate. It is not quite clear whether he should be a resident or a non-resident. If he should be a resident of the village, in some cases Gramdan cannot be got at all. A man residing outside the village wherein the lands are situate may like to donate or gift away the lands for Gramdan purposes. If persons residing outside the village are not eligible for making grants or making gifts, then a lot of lands cannot be got for the Gramdan or Bhoodan movement. It should be made clear whether the donor should be a resident of the village or may reside outside the village. My amendment makes it clear that he need not be a resident of the village wherein the lands are situate. Then, again, there is redundancy. 'Total' will give the meaning 'aggregate'. The expression used is 'the total extent of lands amount to so much in the aggregate'. The redundancy should be avoided in legislation. Repetition is sometimes tolerable but redundancy should be avoided. 'Total' means 'aggregate' and the expression 'in the aggregate' is used later on. This is not necessary. Again, the definition is loosely worded. It says, "'Gramdan village' means any revenue village or part thereof in which . . ." The clause starting from 'in which . . .' is an adjectival clause qualifying 'village'. Later, instead of a clause of the same kind, i.e., instead of an adjectival clause, the phrase 'declared by the Government' is used. The words 'which is declared' should be used; but even if you put in such a clause, it will not fit in there. So it is to avoid all the defects that I have pointed out that I have suggested my amendments.

Sir, it is for these reasons that I have moved my amendment to the definition of 'Gramdan village'.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, once again I express my appreciation of the deep study made by the hon. Member of the various provisions of the Bill. (Dr. V. K. John stood up in his place.) If the hon. the Deputy Leader of the Opposition wants to speak, he can do so.

* DR. V. K. JOHN : Sir, while I appreciate very much the sincerity and the enthusiasm with which these amendments are moved by hon. Members, may I point out one or two things which prevent anybody from moving amendments? First of all, no amendment is accepted generally for want of time.

THE HON. SRI M. BHAKTAVATSALAM : No, not necessarily so. There the other House is sitting.

* DR. V. K. JOHN : Secondly, the amendments are not acceptable. That is why the Opposition do not bring in amendments at all in this House.

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THE HON. SRI M. BHAKTAVATSALAM : It is not so. The hon. Member Sri K. Balasubramanya Ayyar never fails to bring in amendments.

* DR. V. K. JOHN : Another reason is almost every year or within a year of the passing of an Act by the Legislature, the Government bring in amendments. Therefore, the hon. Member can expect that these amendments will be duly considered by the Government, particularly by the concerned department, and that Government will bring in amendments next year or in the course of the next few months. Therefore, I would strongly suggest to the hon. Member that for the reasons advanced by me, it would be much better for him to have all these amendments withdrawn.

SRI K. BALASUBRAMANYA AYYAR : The point of the hon. Member Sri P. S. Krishnaswamy Ayyangar is one of language. He feels the expression used may give some trouble and, therefore, it should be amended as suggested by him. But the difficulty we have is this. The first condition must be fulfilled ' before the Government declare it by notification '. If you say ' declared by the Government by notification ', it may mean that the Government may declare even without the other thing happening, namely, donation of lands for Gramdan by the concerned persons. The difficulty I found was this. Before the Government notify, not less than two-thirds of the number of persons owning lands in that village should have donated all their lands. Otherwise, the Government cannot notify that village. The other thing is the use of the words ' total ' and ' in the aggregate '. There is a lot of difference between the two expressions ' total ' and ' the aggregate '. For purposes of calculation, there should be a donation of one half, in the aggregate, of the extent of lands in that village if that village is to be notified as a ' Gramdan village '. If the Government think that the amendment is not necessary and that it suggests only verbal changes, I have no objection.

* THE HON. SRI M. BHAKTAVATSALAM : As regards the expression, ' two-thirds of the number of persons owning lands ', the idea behind it is that they must be normal residents of the village and it is not a question of some non-residents donating the lands. Then in the case of Gramdan land, the entire village takes up cultivation and it is not a question of others joining it. Therefore, normally it is expected that all these people will be residents of the village. There may be a few non-residents but at least two-thirds of the number of persons owning lands in that village must have donated the lands and the lands so donated should not be less than one-half of the total extent of the lands in that village. That is the idea behind it. So, I would request the hon. Member Sri Krishnaswamy Ayyangar not to press his amendment. 4-30 p.m.

MR. CHAIRMAN : Is the hon. Member pressing his amendment?

* SRI P. S. KRISHNASWAMY AYYANGAR : I am not pressing my amendment.

The amendment was, by leave, withdrawn.

SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendments :—

'In sub-clause (*f*) after the word "or" and before the words "a owner" *insert* the word "is".'

'In sub-clause (*g*) after the word "owner" and before the word "includes" *insert* the words "in respect of any land" and after the word "interest" and before the words "in land" *insert* the word "such".'

'After sub-clause (*g*), *add* the following as new sub-clause (*gg*), namely :—

"(*gg*) 'prescribed' means prescribed by rules."'

'*For* the existing clause (*h*), *substitute* the following, namely :—

"(*h*) 'Sarvodaya Panchayat' in relation to a gramdan village means the Sarvodaya Panchayat constituted for that gramdan village; and."'

The amendments were duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, according to the definition in the Bill 'landless poor person' may mean a person who either is not a owner of land is not a owner of land whose annual income does not exceed Rs. 300. It will lead to an absurd result. To avoid such an absurdity, I suggest my amendment.

SRI K. BALASUBRAMANYA AYYAR : It is a question of punctuation. If a comma is put in after the word 'is', it will be all right.

* SRI P. S. KRISHNASWAMY AYYANGAR : The word 'either' is important and it should change its place.

* THE HON. SRI M. BHAKTAVATSALAM : As suggested by the hon. Member Sri Balasubramanya Ayyar, it is only a question of punctuation. If a comma is put in after the word 'is', it will be all right.

MR. CHAIRMAN : Is the hon. Member Sri Krishnaswamy Ayyangar withdrawing his other amendments?

* SRI P. S. KRISHNASWAMY AYYANGAR : Yes, Sir, I am withdrawing them.

The amendments were, by leave, withdrawn.

Clause 2 was put and carried.

Clauses 3, 4 and 5 were put and carried.

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Clause 6.

MR. CHAIRMAN : The motion is—

'That clause 6 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendment :—

'In item (*d*) of sub-clause (1) and in item (*a*) of sub-clause (2) of clause 6, *for* the words "sentenced" and "sentence" *substitute* respectively the words "convicted" and "conviction" and after the word "reversed" and before the word "or", *insert* the words "of the offence not having been pardoned".'

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, in this clause some disqualifications for membership are mentioned. One of them is that anybody, who has been sentenced in respect of an offence involving moral delinquency, is disqualified for being a member of the Board. Then, it says, at the same time, that if the sentence is quashed or reversed, that disqualification will be removed. There is a distinction between sentence and conviction. Even if the sentence is reversed and the conviction is retained, there is that blot or taint attaching to him. A mere reversal of a sentence will not be tantamount to the quashing of the conviction itself. For instance, a sentence of imprisonment may be converted into a sentence of fine but the conviction is not removed. Unless that conviction is quashed, he will still be subject to disqualification. That is why I want to substitute the words 'convicted' and 'conviction' for the words 'sentenced' and 'sentence'. Sometimes even if the conviction is not quashed, the Government may pardon the offence but still, as the clause now stands, he will be disqualified for being a member of the Board. That ought not to be so. Therefore, I want to add the words 'or the offence not having been pardoned' after the word 'reversed'.

THE HON. SRI M. BHAKTAVATSALAM : I would like the hon. Member to state whether there could be conviction without any sentence whatsoever?

* SRI P. S. KRISHNASWAMY AYYANGAR : Yes. For instance, in the case of juvenile offenders, even though they are convicted, no sentence is imposed on them. We can conceive of cases wherein there is conviction and yet there is no sentence.

SRI K. BALASUBRAMANYA AYYAR : They are not within the purview of this Bill. All minors do not come in to the picture.

* SRI P. S. KRISHNASWAMY AYYANGAR : Still we can conceive of cases where there will be conviction but no sentence.

SRI K. BALASUBRAMANYA AYYAR : Sir, there is some judicial difference between 'sentence' and 'conviction'. According to the Indian Penal Code, where a man is found guilty and sentenced to pay a fine or to imprisonment till the rising of the court, it is a sentence. But in the matter of Bhoodan such difficulties will not arise. Therefore, the amendment is not necessary.

THE HON. SRI M. BHAKTAVATSALAM : So, I would request the hon. Member not to press his amendment.

* SRI P. S. KRISHNASWAMY AYYANGAR : I withdraw my amendment.

The amendment was, by leave, withdrawn.
Clause 6 was put and carried.
Clause 7 was put and carried.

Clause 8.

MR. CHAIRMAN : The motion is—

'That clause 8 do stand part of the Bill'.

4-40 p.m. * SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendments :—

'In sub-clause (*i*) *for* the words "by order, remove the Chairman" *substitute* the words "by order in writing remove from his office the Chairman" and *for* the words "the Chairman or member" *substitute* the words "the Chairman or other member".'

'In item (*c*) of sub-clause (1) of clause 8, *for* the words "State Board" *substitute* the word "Government".'

'In proviso to sub-clause (2) of clause 8, *for* the words "during his term of office" *substitute* the words "during the period for which he was first elected to hold office".'

Sir, these are not material amendments. The Chairman is also a member of the Board. The clause says, 'The Chairman or any member'. The Chairman himself is a member and when another member is to be referred to, the expression 'any other member' will have to be used. That is not a material thing. But, all the same, we should hereafter be careful in drafting the provisions of law. It is only with that view that I have moved a number of amendments.

The amendments were duly seconded.

MR. CHAIRMAN : The question is—

'In sub-clause (i) *for* the words "by order, remove the Chairman" *substitute* the words "by order in writing remove from his office the Chairman" and *for* the words "the Chairman or member" *substitute* the words "the Chairman or other member".'

'In item (*c*) of sub-clause (1) of clause 8, *for* the words "State Board" *substitute* the word "Government".'

'In proviso to sub-clause (2) of clause 8, *for* the words "during his term of office" *substitute* the words "during the period for which he was first elected to hold office".'

The amendments were put and lost.
Clause 8 was put and carried.
Clause 9 was put and carried.

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Clause 10.

MR. CHAIRMAN : The motion is—

'That clause 10 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I have the following amendments :—

'In item (c) of sub-clause (1) of clause 10 after the words "Shri Acharya Vinobha Bhave" and before the words "by notification' *insert* the words "if possible".'

'In sub-clause (3) *for* the words "as well as its Chairman" *substitute* the words "including its Chairman", and *for* the words "Chairman and the members newly appointed" *substitute* the words "Chairman and the other members newly appointed".'

'In sub-clause (4) after the words "in the notification" and before the words "or if" *insert* the word "aforesaid" and in item (a) of sub-clause (4), *for* the words "as well as" *substitute* the word "including".'

Sir, the clause speaks of 'members as well as the Chairman'. This expression will indicate that the Chairman is quite different from a member. If we say, 'Ladies as well as Lakshmi should be present at the function', it may indicate that Lakshmi is not a lady or one of the ladies. 'As well as' should not be introduced between words denoting 'objects' of the same genus.

MR. CHAIRMAN : These amendments refer to certain clauses. I am quoting the number of the amendment, and I am announcing the number of the clause. We are now in clause 10 and the relevant amendments are amendments Nos. 12, 13 and 14.

* SRI P. S. KRISHNASWAMY AYYANGAR : I am now talking on amendment No. 12. In sub-clause (1) provision is made for consultation with Vinobhaji. But Vinobhaji's advice may not be available for all time to come. Therefore, I want to have the expression 'if possible' added after the words 'Shri Acharya Vinobha Bhave'. I am suggesting this because man's span of life is limited and we cannot get Vinobhaji's advice for all time to come.

Then, for the expression 'as well as its Chairman' I want to have the expression 'including its Chairman' substituted. I gave an example of an expression 'Ladies as well as Lakshmi'. That expression would indicate that Lakshmi is not one of the ladies. It will mean that she is not a lady. Therefore, the proper expression there would be 'Ladies including Lakshmi' and not 'Ladies as well as Lakshmi'. That is why I have moved amendment No. 13 and the third amendment to this clause.

The amendments were duly seconded.

* THE HON. SRI M. BHAKTAVATSALAM : 'Chairman' means a particular person who holds the office of Chairman. It refers to the Chairman as such. Then there are other members also.

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There should be no objection to accepting Mr. Krishnaswamy Ayyangar's amendment, but there is no need to change the expression. The existing expression could as well be there. Therefore, I request the hon. Member not to press his amendments.

The amendments were, by leave, withdrawn.

Clause 10 was put and carried.

Clause 11 was put and carried.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I do not move the amendments to clauses 12, 14, 15, 16, 17, 19 and 20 given notice of by me.

Clauses 12 to 22 were separately put and carried.

Clause 23.

MR. CHAIRMAN : The motion is—

' That clause 23 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendment :—

' In the proviso to clause 23 *for* the words " the decision of such court " *substitute* the words " the final decision of a competent court ".'

Here, Sir, the decision of a court is sought to be made final. Suppose some proceedings are instituted in a court. The provision in the Bill says that the decision of that court shall be final but there may be an appeal against the decision of that court. If there is such an appeal and if there is a decision given contrary to the decision given by the lower court, even then, according to the provision made, the lower court's decision would prevail. That is not correct. To avoid this trouble, I have suggested that for the words " the decision of such court " the words " the final decision of a competent court " may be substituted. If there is no appeal, the decision of the first court would be final. But if there is an appeal, the decision of the appellate court would be final. ' The decision of such court ' will only refer to the decision of the court in which the proceedings are instituted. But the proceedings may go beyond the stage of the court wherein they are instituted and the appellate court may have to consider the matter. Therefore, the decision which will have effect finally will be the decision of the appellate court. To bring out that object, clearly, I have suggested the amendment.

The amendment was duly seconded.

SRI K. BALASUBRAMANYA AYYAR : Sir, the expression used is not ' shall be final ' or ' shall not be subject to revision '. Ordinarily there may be appeals. But in this particular matter of Bhoodan, such things may not arise.

* SRI P. S. KRISHNASWAMY AYYANGAR : There is some provision made for institution of suits in Civil Courts. With reference to that, I say that.

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THE HON. SRI M. BHAKTAVATSALAM : I submit that this amendment is not necessary.

The amendment was, by leave, withdrawn.

Clause 23 was put and carried.

Clauses 24 to 26 were put and carried.

Clause 27.

MR. CHAIRMAN : The motion is—

'That clause 27 do stand part of the Bill'.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendments :—

'In item (*g*) of sub-clause (2) of clause 27, *for* the words "by it" *substitute* the words "by the Sarvodaya Panchayat".'

'In item (*k*) of sub-clause (2), *omit* the word "for".'

Sir, clause 27 is self-contained and it should be rightly self-contained. Whenever we have got to ascertain what a particular word refers to, we should have the answer in that particular item itself. This condition is satisfied by all other items in the sub-clause than item (*g*). In item (*g*) alone the word 'it' has been used. To just find out what 'it' refers to, we have got to go to the preceding item. 'It' refers to the Sarvodaya Panchayat. The expression 'Sarvodaya Panchayat' is used in the preceding item as well as in all the other items where the Sarvodaya Panchayat has to be referred to. But in item (*g*) alone the word 'it' is used. For that, I want to have the words 'Sarvodaya Panchayat' substituted.

Then, in the last item, item (*k*), the word 'for' is used. The word 'for' is used at the beginning of the sub-clause which says 'may provide for'. Therefore, the word 'for' in item (*k*) is a repetition. It is not warranted. That may easily be accepted by anybody. It may be a printer's devil.

The amendments were duly seconded.

THE HON. SRI M. BHAKTAVATSALAM : The word 'for' in item (*k*) is a printer's devil. It is not there in the original.

As regards item (*g*), even if the words 'Sarvodaya Panchayat' are not substituted there, it would be all right. The expression 'by it' would be all right. Therefore, that amendment is not necessary.

The amendments were, by leave, withdrawn.

Clause 27 was put and carried.

Clause 28 was put and carried.

Clause 1 and the Preamble were put and carried.

4-50 p.m. THE HON. SRI M. BHAKTAVATSALAM : Sir, I beg to move—

'That the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be passed.'

MR. CHAIRMAN : Motion moved—

'That the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be passed.'

The motion is now before the House for consideration.

* DR. V. K. JOHN : Mr. Chairman, Sir, I hope that everyone of us will give his support and blessings to this great movement. But I have only got up to request the Government to keep us informed from time to time of the progress of the Bhoodan movement in this State.

* SRI A. M. ALLAPICHAI : In giving my support to this movement, I would appeal, Sir, that in the appointment of members of the Board (if there is nothing objectionable), the Legislature also should have representation on it.

* SRI T. PURUSHOTHAM : In associating myself with the fine sentiments expressed by the hon. the Deputy Leader of the Opposition, I should like to point out one matter. I am not for pressing representation of the Legislature on the State Board proposed herein. But when the District Local Committees are constituted, I would request that among its members, there should be a fair representation of the donors of the lands. No specific mention is made about it in this Bill. Under the rule-making powers, I think, it will be well to provide for a fair representation of the donors of the lands on the District Local Committees. Sir, with these few words, I give my support to this measure.

SRI K. BALASUBRAMANYA AYYAR : Before this Bill is passed, I would like to refer to two points. One is this. Jealous as I am of the representation of this House in every matter, I think that in the spirit of Bhoodan, it will be best that we are not on the Board. We should be a body separate from it. We should be there only to offer suggestions or comments. As the Deputy Leader of the Opposition said, let us have reports of the progress of this movement and let us be free to make comments on them.

The other point is that no donor should be included in the Board. If a donor is included, then it means that he is not a real donor. He should not be interested in the management of the properties of the Board. If he is there, it means that he is interested and that he wants to have influence and power in

the management of the properties. But in the spirit of the movement started by the great saint, let us respect his words and let us have nothing to do with it. After all, the State is ours. We are entrusting it to the State which will manage the properties in consultation with Sri Acharya Vinobha Bhave so long as he is alive. I wish he lives long.

* THE HON. SRI M. BHAKTAVATSALAM: Mr. Chairman, Sir, I am indeed very much obliged to the hon. Members for the welcome support they have given throughout to this important legislative measure. The hon. the Deputy Leader of the Opposition said that the Government should present to this House reports of the progress in regard to this movement now and then. I would suggest to him that hon. Members might also continue to take sustained interest in this matter. I would invite hon. Members to put questions on this and the Government would gather all necessary information. The Government have been very closely watching the progress of the movement. The Government would be extending all possible help in furtherance of this movement and, therefore, I do hope that the hon. Members will continue to take a lively interest in this movement for its success.

DR. V. K. JOHN: I suggest that a paragraph on the Bhoodan Movement be included in the Governor's Address.

* THE HON. SRI M. BHAKTAVATSALAM: I do not think that it is necessary or fundamentally wrong. But to include it in the Governor's Address will look as if it were part and parcel of the administration of the Government. Now, Sir, I can assure the hon. Member that the Government would continue to take a sustained, lively interest in the progress of the movement. I entirely agree with the hon. Member Sri Balasubramanya Ayyar that the Legislature should not be represented on the Board. There is no question of representation of the Legislature either on the State Board or on the Local Committee. The State Board will be constituted in consultation with Shri Acharya Vinobha Bhave and it is under the supervision of the State Board that the Local Committee should be constituted.

Sir, this measure has been on the anvil for a pretty long time. 5 p.m. The active sponsors of the movement and the active workers of the movement have been asking for a legislative measure like this for a very long time. A Bill was drafted originally on the Bhoodan basis, but again a suggestion was made that we might incorporate some provisions about gramdan, because particularly in this State a large number of villages had been given as gramdan. Government have already taken up the question of giving aid, and they have set apart Rs. 20 lakhs as loan. They have also decided that these villages should be treated as National Extension or Community Development villages. Therefore, in consultation with Vinobhaji, a provision relating to gramdan has been added to this Bill. I do believe that in course of time, we

might have to come to the Legislature again for a detailed measure relating to gramdan. Anyhow, I do hope that, with the passing of this measure with all the enthusiastic support of hon. Members in this House and in the other House, a new fillip would be given to this movement, and that we would be making considerable progress by way of making this movement a great success.

MR. CHAIRMAN : The question is—

'That the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be passed.'

The motion was put and carried and the Bill was passed.

(Deputy Chairman in the Chair.)

(3) THE MADRAS MATERNITY BENEFIT (AMENDMENT) BILL, 1958 (L.C. BILL NO. 1 OF 1958).

* THE HON. SRI R. VENKATARAMAN : Sir, I move—

'That the Madras Maternity Benefit (Amendment) Bill [a], 1958 (L.C. Bill No. 1 of 1958), be taken into consideration.'

The Madras Maternity Benefit Act of 1934 regulates the grant of maternity benefits to women workers in factories. Maternity benefit is paid at the rate of 8 annas per day for the actual days of absence immediately preceding and following the confinement, subject to a maximum period of seven weeks. Separate provisions for maternity benefits for plantation women workers are made in the Madras Plantation Labour Rules.

The question of providing maternity benefits on a uniform scale throughout India and enacting special legislation for the purpose was discussed by a Committee of the Indian Labour Conference in January 1954. It was suggested that the Government of India might draw up minimum standards of maternity benefits and recommend them to the State Government for adoption either by enacting fresh legislation or by suitably amending the existing laws to the extent necessary. The above suggestion was accepted by the Government of India. Accordingly, draft model minimum standards for maternity benefits were drawn up. The model standards were finalised after obtaining the opinion of the State Governments. The Government of India have suggested that the above recommendations may be implemented either by enacting fresh legislation or by suitably amending the existing Act.

After careful consideration of the model standards, Government have decided to amend the existing Act on the lines of the recommendations in the model standards. Hence, the Bill to amend the Madras Maternity Benefit Act, 1934, is before the House.

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[a] **Published on pages 51–60 of Part IV–A (Extraordinary issue) of the *Fort St. George Gazette*, dated the 15th February 1958.**

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The principal changes made in the Bill as follows.

The Act is extended to such industrial establishments as the State Government may from time to time by notification specify. The most important change is that the rate of maternity benefit is increased from 8 annas a day to 75 nP. per day or 7/12th of the average daily wage, whichever is higher. The maximum period for which maternity benefit is payable has also been increased from seven weeks to twelve weeks. In addition, the following other benefits are provided :

Hitherto no provision was made in regard to pre-natal and post-natal treatment. The Bill provides for lump sum medical bonus of Rs. 10, except in cases where pre-natal and post-natal care is provided free of charge. The period of prohibition of employment following confinement has been increased from four to six weeks. Provision is made for leave with full wages for a period of three weeks in case of miscarriages. Provision has also been made for leave on account of illness due to pregnancy, confinement or premature birth of a child up to a maximum period of one month. The Bill provides for nursing breaks of 15 minutes for nursing mothers after a continuous period of work for three hours. Opportunity has also been taken to specify the mode of recovery of the benefits payable under the Act and for the appointment of Inspectors for the enforcement of the provisions of this Act.

Sir, I move that the Bill be taken into consideration.

DEPUTY CHAIRMAN : Motion moved—

'That the Madras Maternity Benefit (Amendment) Bill, 1958 (L.C. Bill No. 1 of 1958) be taken into consideration'.

* DR. V. K. JOHN : Sir, I give my warm support to this Bill. I am quite sure that the Leader of the House will be quite happy to introduce this Bill in this House for consideration. When the history of the development of industries and the labour movement in this country is written, I am quite sure Sri Venkataraman's name will find a very prominent place there. This legislation is not only welcome but should be the forerunner of other such pieces of legislation. Maternity benefit is of great necessity to the working classes. This country can be called civilised only when we have introduced in this country the social securities, which they have in the West. In 1935, by the Social Security Act, the United States provided for social securities for unemployment, sickness, old age, widows, children, and others in need. So also Great Britain and all other civilised countries have social securities. But in this country, we have not been able to provide for social securities. Of course, maternity benefit, in a way, is a social security, but this only touches the fringe of the problem in this country where there is so much of

poverty and want. I am quite sure that if this Government would persuade the Central Government in the matter, the Central Government would bring in legislation for providing social securities. Other civilised countries have got this enactment.

I want to make another suggestion here. As maternity benefit, social securities, and welfare of labour, are all in the Concurrent List, it might be well for Parliament to have a uniform law for all States. I do not say that States should not introduce this legislation. We have consulted the Central Government. But items 23 and 24 (social security and maternity benefit) are items in the Concurrent List. I am of the opinion that there must be uniformity in law in every State regarding maternity benefit and social securities. It will be in order and will be conducive to the progress of the country as a whole if the Central Legislature takes up this subject. In all these matters it is better that Parliament takes up the question and introduces uniform legislation for all States. It may be said that conditions in one State differ from the conditions in another. Nevertheless, there are the same conditions of poverty, the same difficulties, the same disadvantages, and the same insecurities all over the country. I for myself will prefer Parliament to legislate in a matter like this.

I once again welcome very warmly and very heartily this Bill, which is placed before this House.

DR. MAHOMED USMAN: Sir, I rise to give my strong support to this Bill. I welcome very warmly this legislation. I think the Leader of the House deserves our warmest congratulations on, and sincere thanks for, the Bill that he has brought forward. It is a Bill which is going to be useful to the country, and I thank the Hon. the Leader of the House for this.

5-10 p.m. SRI K. BALASUBRAMANYA AYYAR: Sir, I join with Dr. Mahomed Usman in welcoming the Bill and congratulating the Hon. the Leader of the House on bringing it in. This is a measure which is overdue, if I may say so. Labour legislation is a thing of present growth and we have been thinking about it. The Madras Maternity Benefit Act was passed so early as 1934 that some of the provisions now made were not in that Act. This medical bonus, even clerks in banks are getting. It is very necessary to provide for it here. New section 8-A under clause 10 states—

"A lump sum of ten rupees shall be paid as medical bonus by the employer to every woman worker, who receives maternity benefit, except in cases where such employer provides pre-natal confinement and post-natal care, free of charge."

I suppose the hon. Member Mr. Krishnaswamy Ayyangar has looked into this clause. (Laughter.) It should be "provides *for* pre-natal confinement."

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THE HON. SRI R. VENKATARAMAN : We will call in the assistance of schoolmasters to decide which is the correct expression. (Laughter.)

SRI K. BALASUBRAMANYA AYYAR : ' Provides pre-natal care ' is all right.

SRI T. P. SRINIVASAVARADAN : They say ' provide midday meals '.

SRI K. BALASUBRAMANYA AYYAR : You can provide midday meals. Confinement, you cannot provide. (Laughter.) That is the difficulty. (Loud laughter.)

THE HON. SRI R. VENKATARAMAN : I bow to your wisdom.

SRI K. BALASUBRAMANYA AYYAR : Therefore it is, I say, it must be ' provide for confinement '. If you think it is proper, you may have it like that.

New section 8-B is absolutely necessary. These are some of the necessary amenities which you must give the workers. Here, I may refer to one point. Some Union Minister has said—and I speak subject to correction—that technological institutions need not be included in the list of industrial establishments for this purpose. Some discussion took place on this question. I am not clear about what resulted from it. Anyway, I feel they also must be included.

There is a small matter which may also be more legitimately looked into by the hon. Member Mr. Krishnaswamy Ayyangar. (Laughter.) In the old Act, the term ' Presidency of Madras ' appears. That is now changed as ' State of Madras '. But in the Preamble, ' And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act ' is retained. We must omit this and say, ' the sanction of the President has been obtained '.

SRI T. PURUSHOTHAM : The Bill is before the House. The hon. Member may move amendments.

SRI K. BALASUBRAMANYA AYYAR : They have changed ' Presidency ' into ' State '. Here also a similar change should have been made. I do not know whether the Adaptation Act covers this.

THE HON. SRI R. VENKATARAMAN : It must have been adapted.

DR. MAHOMED USMAN : That won't make it illegal?

SRI K. BALASUBRAMANYA AYYAR : Certainly there is no Governor-General now. It is an anachronism, if it is there. Perhaps the Adaptation Act might say, wherever ' Governor-General ' occurs, it means ' President '. But when the other change has been effected, I see no reason why this also should not be made specific. I leave it to the Hon. the Mover of the

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Bill to do what is proper. The subject is in the Concurrent List and, therefore, it must be reserved for consideration by the President.

THE HON. SRI R. VENKATARAMAN : The term is not necessary.

SRI K. BALASUBRAMANYA AYYAR : Better change it.

It is necessary that motor omnibus service and workshop or other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale should be included in the term ' industrial establishment '. And I am glad it has been done. So far as the powers of the Inspector are concerned, they have said here that he can enter any place at all reasonable hours. ' With due notice ' must be there.

THE HON. SRI R. VENKATARAMAN : The same provision as is found in the Factories Act is reproduced here.

SRI K. BALASUBRAMANYA AYYAR : That is all right. Subject to these remarks, I welcome the Bill.

SRI T. P. SRINIVASAVARADAN : Sir, I join other hon. Members in congratulating the Government on bringing forward this measure. There are two reasons why I do so. This is a very important benefit which should have been provided much earlier. I hope the Government will bring in similar measures to benefit other classes of people also. I do not mean teachers particularly. So, my first reason is that it is a beneficial measure. The second is that it is a forerunner of other similar pieces of legislation. They may exclude teachers for the present. But let them confer such benefits on other classes of workers.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I have a small doubt to be cleared. In the provision for repealing the Travancore-Cochin Maternity Benefit Act, it is said that the Act shall stand repealed on the commencement of this Act. The entire Act is repealed and the repeal may apply to areas where it is now in force. In that case, it will be an infringement of the rights of the Kerala State. Therefore, I would suggest that the provision should be qualified by some such expression as ' so far as such territory is concerned.' ' Such territory ' may mean the transferred areas.

SRI K. BALASUBRAMANYA AYYAR : The Preamble makes it clear.

* SRI P. S. KRISHNASWAMY AYYANGAR : This is an Act which pertains to our State. The Kerala State may say, ' Who are these people to repeal an Act of our State? '. They may argue that way, even though there may be no force in that argument. To guard ourselves against such criticism, which has no substance, I think the provision may be qualified as I have suggested. If the suggestion is acceptable, it may be acted upon.

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* SRI T. PURUSHOTHAM : Sir, I rise to support this measure. This is long overdue. In lending my support, I wish to bring to the notice of the Hon. the Leader of the House the need for a further legislation to regulate the conditions of employment of women workers in factories and other industrial establishments where a large number of women are employed. Of course, the Constitution provides that no discrimination should be made against women in the matter of employment and so, a large number of them are there working in industrial establishments. Their conditions of service require to be thoroughly gone into and necessary legislation brought in to regulate them as early as possible. Even with regard to the employment of women in Government-run establishments and factories, the position requires to be thoroughly examined. I know that Government propose to appoint welfare officers for all these factors. In fact, in some factories welfare officers have already been appointed. In factories where there is a large number of women employees I would suggest that there should be women assistant welfare officers to look after the welfare of women employed in these establishments. I am sure, following this legislation, the Hon. the Labour Minister will see to it that another Bill is brought in to regulate the conditions of service and employment of women workers in all factories and establishments including the Government concerns.

5-20 p.m.

* THE HON. SRI R. VENKATARAMAN : Mr. Deputy Chairman, Sir, I am really grateful to the House for all the support which it has given to this measure and also for the compliments which the hon. Members have showered on me. I am not yet so old as to blush.

Sir, this is really a very useful measure and in one sense long overdue. Wages have gone up and the standard of care in the case of maternity has also improved in all parts of the country. But the workers in factories were getting care or attention for only four weeks after confinement.

Sir, let me take up one or two suggestions which have been put forward during the course of the discussion. The hon. the Deputy Leader of the Opposition regretted that there were not sufficient measures for social security in this country. While I agree with him, I also wish to clear a misapprehension that there are no social security measures at all in this country. We have provided recently the Employees State Insurance Act by which we give medical benefit and sickness benefit and then provide even artificial limbs in the case of persons who suffer accidents in factories and so on. We have now another legislation, namely, the Provident Fund Act under which some retiring benefit is accumulated from the contributions made by the employers and the employees. We have also the retrenchment benefit guaranteed to the workers under the Industrial Disputes Act and though it is not a substitute for the unemployment relief, yet it goes in

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a very large measure to alleviate the distress caused to persons retrenched. There is a lot more to be done. I am happy that the House is in a mood to give support to progressive legislation in this sphere.

The second point raised by him was that it had better be done by the Centre. I am somewhat surprised at this suggestion. The hon. the Deputy Leader of the Opposition Dr. John is always a champion of provincial autonomy and greater and greater powers for the States. While I agree with him that there is need for uniform standards throughout the country, measures like this should be left to the State Government to frame in such a manner as to suit local conditions. The minimum standards have been prescribed by the Government of India in consultation with the States and it has left legislation to the States so that if there is any adaptation to be made to suit local conditions, it might be made.

Then, Sir, there are one or two points raised which I had better deal with at this stage. The hon. Member Sri P. S. Krishnaswamy Ayyangar drew attention to sub-clause (2) of clause 16 and said that by repealing the Travancore-Cochin Maternity Benefit Act, we would probably be doing something beyond our jurisdiction and he also said that somebody might turn round and say, ' Who are these people to repeal this Act? '. If he reads the clause a little more carefully, he will find it stated that the Travancore-Cochin Maternity Benefit Act, 1952, or any law corresponding to the Madras Act in force in the transferred territory immediately before the commencement of this Act, shall stand repealed.

(Mr. Chairman in the Chair.)

That is to say, the Travancore-Cochin Maternity Benefit Act in force in the transferred territory alone is repealed. That does not give rise to any problem.

Then, Sir, the point made by the hon. Member Sri K. Balasubramanya Ayyar made me bestow some further thought on the matter. For instance, if you read clause 10—I would also request the hon. the Deputy Leader of the Opposition Dr. John to look into it—it reads like this—

' A lump-sum of ten rupees shall be paid as medical bonus by the employer to every woman worker, who receives maternity benefit, except in cases where such employer provides pre-natal confinement and post-natal care, free of charge '.

I think it should read like this—

'. . . provides, pre-natal care, confinement care and post-natal care, free of charge.'

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And that is to say, all these three types of assistance are contemplated and if the employer provides all these, then he need not pay the lump-sum grant. Therefore, in the final clause as it merges in the Act, there should be a comma after the word ' provides ' and the word ' care ' will apply to all the three cases, pre-natal care, confinement care and post-natal care. That is the intention of the legislation. I, therefore, suggest that merely a punctuation may be added at the appropriate place.

Another mistake pointed out by the hon. Member Sri K. Balasubramanya Ayyar who always carefully scrutinises all Bills and for which we, Members on the Treasury Benches are always very grateful, is really due to oversight, because it is no longer necessary to state in our legislation that the previous concurrence of the Central Government has been received. In matters which fall within the Concurrent List, it is necessary to obtain the concurrence of the Central Government, but it need not be stated that concurrence has been obtained. Therefore, I think this sub-clause ' And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act ' in clause 2 should be deleted. I would at the proper time move for such deletion. Sir, I am grateful to the House for all the support it has given me and I request the hon. Members to pass the motion moved by me.

MR. CHAIRMAN : The question is—

' That the Madras Maternity Benefit (Amendment) Bill, 1958 (L.C. No. 1 of 1958) be taken into consideration '.

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 16 were put and carried.

Clause 1 was put and carried.

* THE HON. SRI R. VENKATARAMAN : I thought you were going to put the clauses separately. Clause 2 may be put separately. Clauses 3 to 16 may be put together.

MR. CHAIRMAN : That means I have to go back and reopen the clause. The decision has to be rescinded on a motion.

* THE HON. SRI R. VENKATARAMAN : (After a pause) It has got to be amended in the original Act itself. Then this might go as it is. The Preamble also might go as it is as the amendment has to be made in the original Act.

The Preamble was put and carried.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move— 5-30 p.m.

' That the Madras Maternity Benefit (Amendment) Bill, 1958 (L.C. Bill No. 1 of 1958) be passed.'

MR. CHAIRMAN : Motion moved—

'That the Madras Maternity Benefit (Amendment) Bill, 1958 (L.C. Bill No. 1 of 1958) be passed.'

* DR. V. K. JOHN : Mr. Chairman, Sir, I might make a very strong appeal to the employers to accept this measure with great pleasure. It is harmony between the employer and the employee that will promote progress in this country. The other day when I was talking to a leading industrialist, I told him that it was misunderstood that the Madras Government were against private enterprise but that actually they wanted to encourage private enterprise and that, at the same time, they also did not want to foment labour trouble and were trying to create harmony between employer and employee. The Hon. the Leader of the House has been entirely responsible for this state of affairs. In fact, it is only the welfare of labour that contributes to the progress of industries and I hope that every employer will implement this measure. If the employers willingly implement this measure, there will be no trouble whatsoever. In this connection, I must say that Madras should not merely lead other States in taxes but it must also lead other States in measures like this, which are of great benefit to the public.

* THE HON. SRI R. VENKATARAMAN : I have nothing more to add except to thank the House for the very warm welcome that it has given to the measure.

MR. CHAIRMAN : The question is—

'That the Madras Maternity Benefit (Amendment) Bill, 1958 (L.C. Bill No. 1 of 1958) be passed.'

The motion was put and carried and the Bill was passed.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Monday, the 17th March 1958.

The House then adjourned.

V.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *Bill passed by the Assembly and received therefrom in the Council—*

* *The Madras Bhoodan Yagna Bill*, 1957 (*L.A. Bill No.* 15 of 1957).

† 2. *The Madras Maternity Benefit* (*Amendment*) *Bill*, 1958 (*L.C. Bill No.* 1 *of* 1958).

‡ 3. *The Madras Animal Preservation Bill*, 1958 (*to be introduced*).

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* Sent by special messengers on 25th February 1958.

† Circulated in the Chamber and also by special messengers on 15th February 1958.

‡ Sent by special messengers on 1st March 1958.

Appendix.

[Vide item IV (2) on page 354 supra.]

L.A. BILL No. 15 OF 1957.

(As passed by the Assembly.)

A Bill to facilitate the donation of lands for the Bhoodan Yagna and the transfer and settlement of such lands in the State of Madras.

Whereas it is necessary and expedient to facilitate the donation of lands for the Bhoodan Yagna initiated by Shri Acharya Vinobha Bhave and the transfer and settlement of such lands for the benefit of landless poor persons or for community purposes and to provide in Gramdan villages for the vesting of lands in, and the management of those lands by, the Sarvodaya Panchayat in the State of Madras;

Be it enacted in the Ninth year of the Repulic of India as follows :—

1. *Short title and extent.*—(1) This Act may be called the Madras Bhoodan Yagna Act, 1958.

(2) It extends to the whole of the State of Madras.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(*a*) ' Bhoodan Yagna ' means the movement initiated by Shri Acharya Vinobha Bhave for the acquisition of lands through voluntary gifts for distribution to landless poor persons or for community purposes;

(*b*) ' community purpose ' means any purpose which is for the general good of the community;

(*c*) ' Government ' means the State Government;

(*d*) ' Gramdan land ' means land in a Gramdan village;

(*e*) ' Gramdan village ' means any revenue village or part thereof in which not less than two-thirds of the number of persons owning lands donate all their lands for Gramdan and the total extent of lands so donated amount in the aggregate to not less than one-half of the total extent of the lands in that village and declared by the Government to be a ' Gramdan village ' by notification;

(*f*) ' landless poor person ' means a person who either is not a owner of land or a owner of land which does not exceed the limits prescribed in this behalf and whose annual income does not exceed three hundred rupees;

(*g*) ' owner ' includes any tenant having heritable and alienable interest in land;

(*h*) ' Sarvodaya Panchayat ' means the Sarvodaya Panchayat constituted for a Gramdan village; and

(*i*) 'State Board' means the Madras State Bhoodan Yagna Board established under section 3.

3. *Establishment and incorporation of State Board.*—(1) The duty of carrying out the provisions of this Act, shall, subject to the restrictions, conditions and limitations therein contained, be vested in a Board to be called 'The Madras State Bhoodan Yagna Board'.

(2) The State Board shall be a body corporate having perpetual succession and a common seal with power, to enter into contracts and to acquire, hold, administer and transfer property, movable or immovable, and shall, by the said name, sue and be sued

4. *Constitution of State Board.*—(1) The State Board shall consist of a Chairman and ten or more but not exceeding fourteen other members who shall be appointed by the Government in consultation with Shri Acharya Vinobha Bhave or a person nominated by him in writing in this behalf.

(2) The appointment of the Chairman and the other members of the State Board shall be published in the *Fort St. George Gazette.*

5. *Term of office.*—Every member of the State Board, including the Chairman, shall hold office for a term of four years from the date of appointment, and shall be eligible for reappointment.

6. *Disqualifications for membership.*—(1) A person shall be disqualified for appointment to the State Board if on the date of appointment such person—

(*a*) is less than twenty-one years of age; or

(*b*) is of unsound mind; or

(*c*) has applied to be or has been, or is, adjudicated an insolvent; or

(*d*) has been sentenced by a Criminal Court for an offence involving moral delinquency, such sentence not having been reversed; or

(*e*) has on any previous occasion been removed from the office of member of the State Board or of a Local Committee or has been removed by order of a competent Court from any position of trust either for mismanagement or corruption.

(2) A member of the State Board shall cease to hold his office if he—

(*a*) is sentenced by a Criminal Court for an offence involving moral delinquency, such sentence not having been reversed; or

(*b*) becomes of unsound mind; or

(*c*) has applied to be or has been or is adjudicated an insolvent.

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7. *Resignation of Chairman or member.*—The Chairman or any other member of the State Board may at any time resign his office by tendering his resignation in writing to the Government. No such resignation shall take effect unless it is accepted and the acceptance is communicated to him.

8. *Removal of Chairman or member.*—(1) The Government may, after making such enquiry as may be prescribed, by order, remove the Chairman, or any other member of the State Board, if they are satisfied that the Chairman or member—

(*a*) has become disqualified for appointment to the State Board for any of the reasons mentioned in section 6; or

(*b*) has become incapable of acting as Chairman or other member or has so abused his position as Chairman or member as to render his continuance as such detrimental to the public interest; or

(*c*) has failed, without excuse sufficient in the opinion of the State Board, to attend three consecutive meetings of the State Board.

(2) Where a person who has ceased to be a member by reason of his failure to attend three consecutive meetings of the State Board applies to the Government within one month from the date of the order of removal for restoration to office, the Government may, on the recommendation of the State Board, restore him to his office of member :

Provided that a member shall not be so restored more than twice during his term of office.

(3) Every order of removal under sub-section (1) or of restoration under sub-section (2) shall be published in the *Fort St. George Gazette*.

9. *Filling up of casual vacancies.*—(1) Any casual vacancy in the office of the Chairman or any other member of the State Board shall be filled within two months, by a fresh appointment, in the manner prescribed.

(2) The Chairman or member appointed to fill a vacancy under sub-section (1) shall enter upon office forthwith but shall hold office only so long as the member in whose place he is appointed would have been entitled to hold office if the vacancy had not occurred.

(3) Every appointment under sub-section (1) shall be published in the *Fort St. George Gazette*.

10. *Dissolution of State Board.*—(1) If at any time the Government are satisfied that—

(*a*) the State Board has failed without reasonable cause or excuse to discharge the duties or to perform the functions imposed on or assigned to it by or under this Act; or

(*b*) circumstances have arisen in which the State Board is or may be rendered unable to discharge the duties or to perform the functions imposed on or assigned to it by or under this Act; or

(c) it is otherwise expedient so to do,
they may, in consultation with Shri Acharya Vinobha Bhave, by notification direct—

(i) in cases falling under clause (a), that the State Board be dissolved and reconstituted on such date as the Government may fix in that behalf, and

(ii) in cases falling under clause (b) or (c), that the State Board be superseded for a specified period.

(2) Before publishing a notification under sub-section (1), the Government shall communicate to the State Board the grounds on which they propose to do so, fix a reasonable period for the State Board to show cause against the proposal and consider its explanations or objections, if any.

(3) On the date fixed for the dissolution of the State Board under sub-section (1), all its members as well as its Chairman shall be deemed to have vacated their offices and fresh appointments shall be made in accordance with the provisions of this Act and the Chairman and the members newly appointed shall enter upon their offices on the date fixed for the reconstitution of the State Board.

(4) Supersession shall take effect from noon on the date specified in the notification or if no date is specified, on the date of publication of the notification, and thereupon the following consequences shall ensue :—

(a) All members of the State Board as well as its Chairman shall be deemed to have vacated their offices.

(b) All or any of the powers and functions of the State Board and of its Chairman shall, during the period of supersession, be exercised and performed, as far as may be, and to such extent as the Government may determine, by such persons or by such authority as the Government may appoint in that behalf.

(5) The Government may, by notification—

(a) from time to time extend the period of supersession of the State Board; and

(b) make such other incidental or consequential provisions as may appear to them to be necessary.

(6) The Government shall reconstitute the State Board before the expiry of the period specified in the notification under sub-section (1) or of the extended period notified under sub-section (5).

(7) When the State Board is dissolved or superseded under this section, the Government until the date of the reconstitution thereof and the reconstituted State Board thereafter shall be entitled to all the assets and be subject to all the liabilities of the State Board as on the date of the dissolution or supersession and on the date of the reconstitution respectively.

11. *Vesting of land in State Board.*—All lands donated for purposes of the Bhoodan Yagna whether before or after the commencement of this Act shall subject to the provisions of sections 16, 17 and 20 vest in the State Board.

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12. *Secretary*.—(1) The State Board may appoint one of its members to act as its Secretary and such other officers and servants as it may deem necessary for the purposes of this Act.

(2) The State Board may delegate to the Secretary any of its powers, duties or functions under this Act except such powers, duties or functions as the Government may by general or special order specify.

13. *Meeting of State Board*.—The State Board shall meet, and shall from time to time make such arrangements with reference to the place, day, hour, notice, management and adjournment of its meetings, as it may think fit, subject to the following provisions, namely :—

(*a*) the Chairman may, whenever he thinks fit and shall, when so required by the Government, call a meeting of the State Board;

(*b*) the Chairman shall attend every meeting of the State Board unless he is prevented by sickness or other reasonable cause;

(*c*) no business shall be transacted at any meeting unless there be present a majority of the number of members then in office;

(*d*) every meeting shall be presided over by the Chairman and in his absence by a member chosen by the meeting to preside for the occasion;

(*e*) all questions at a meeting shall be decided by a majority of the members present and voting at the meeting, and in every case of equality of votes, the person presiding shall have and exercise a second or casting vote;

(*f*) if a poll be demanded, the names of the members voting and the nature of their votes shall be recorded by the person presiding; and

(*g*) minutes of the proceedings at each meeting (together with the names of the members present) shall be recorded in a book to be provided for the purpose, and such minutes shall be read at the next ensuing meeting and signed by the person presiding at such meeting. The minutes book shall be open to inspection by any member during office hours.

14. *Acts of State Board, etc., not to be invalidated by informality, etc.*—No act of the State Board or of any person acting as Chairman thereof shall be deemed to be invalid by reason only of a defect in the establishment of the Board or of such act having been done during the period of any vacancy in the office of Chairman or member of the State Board, or on the ground that the Chairman or any member of the Board was not entitled to hold or to continue in such office.

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15. *Local Committees.*—(1) The State Board may, for any district or portion of a district, constitute a Local Committee consisting of not more than five members who shall be appointed by the State Board from among the residents of the area concerned. The appointment of such members shall be subject to the approval of the Government and shall be for such period as may be prescribed.

(2) The State Board shall appoint one of the members of the Local Committee to be its Chairman who shall also act as its Secretary.

(3) (*a*) The State Board may authorize any Local Committee constituted under sub-section (1) to exercise in the area within the jurisdiction of such Local Committee all or any of the powers, duties or functions vested in the State Board by this Act except such powers, duties or functions as may be specified by the Government by general or special order, and may in like manner withdraw such authority.

(*b*) The exercise of any powers, duties or functions delegated under clause (*a*) shall be subject to such restrictions and conditions as may be prescribed and also to control and revision by the Government or by such persons as may be empowered by them in this behalf. The Government shall also have power to control and revise the acts or proceedings of any person so empowered.

(4) The provisions of sections 6 to 10, 13 and 14 shall apply to a Local Committee subject to the modification that the powers exercisable by and the duties imposed on the Government under the said sections shall, in relation to a Local Committee, be exercised by the State Board:

Provided that the dissolution, reconstitution or supersession of a Local Committee shall be subject to the approval of the Government.

16. *Donation of land.*—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force,

(*a*) any owner may, by declaration made in the prescribed manner, donate his land for the Bhoodan Yagna:

Provided that where any land is owned jointly by two or more persons, no donation of land shall be valid unless the declaration is signed by all such joint owners:

Provided further that a declaration made by a minor shall not be valid;

(*b*) any person to whom the Government have assigned any land on the ground of his having been a political sufferer may, by declaration made in the prescribed manner, donate such land for the Bhoodan Yagna provided the following conditions are satisfied, namely:—

(i) in case the land was not under cultivation before assignment, the assignee should have brought it under cultivation within three years from the date of assignment;

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(ii) the assignee should have paid in full all the public charges due to the Government in respect of the land and repaid in full the loan or loans obtained from the Government, together with the interest thereon, before making the donation for the Bhoodan Yagna.

(2) Where the owner donating his land for the Bhoodan Yagna under sub-section (1) is a janmi or any other landlord in an area where the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), is in force, no donation of his land for the Bhoodan Yagna shall be valid unless the tenant of such janmi or landlord transfers all his right, title and interest in such land to the State Board for the purposes of the Bhoodan Yagna by declaration made in the prescribed manner.

(3) Every declaration made under sub-section (1) shall be filed with the Tahsildar or the Deputy Tahsildar in independent charge having jurisdiction in the taluk or sub-taluk where the land is situate.

17. *Hearing of objections.*—(1) Every declaration filed under sub-section (3) of section 16 shall, as soon as may be, be published in the *Fort St. George Gazette* and in such other manner as may be prescribed.

(2) Any person whose interests are affected by any such declaration may, within two months of the publication of the declaration, file objections on the same before the Tahsildar or the Deputy Tahsildar in independent charge having jurisdiction in the taluk or sub-taluk where the land is situate.

(3) The Tahsildar or the Deputy Tahsildar, as the case may be, shall register every such objection, fix a date for its hearing and shall give notice such date to the donor, the objector, the State Board and the Local Committee concerned.

(4) On the date of hearing or any other date to which it may be postponed, the Tahsildar or the Deputy Tahsildar as the case may be, shall proceed to investigate and dispose of the objection and by order within such time as may be prescribed either confirm the declaration or declare it null and void.

(5) If the Tahsildar or the Deputy Tahsildar confirms the declaration, then, notwithstanding anything contained in any other law for the time being in force, all the right, title and interest of the donor in such land shall stand transferred to and vest in the State Board for the purposes of the Bhoodan Yagna.

(6) Every order under sub-section (5) confirming a declaration shall be published in the *Fort St. George Gazette* and on such publication, the donation of land shall, subject to the provisions of section 23, be irrevocable.

(7) Where the declaration is declared null and void by the Tahsildar or the Deputy Tahsildar under sub-section (4) the donation shall stand cancelled and the donor shall be deemed to continue to have all his right, title and interest in such land as if no such declaration was made.

(8) The State Board may at any stage of the proceedings reject the declaration or a donor on any of the following grounds, namely :—

(i) that the donor is incompetent to make the donation;

(ii) that the title of the donor is defective;

(iii) that there are encumbrances on the land;

(iv) that there are arrears of land revenue or rent;

(v) that the land donated is common pasture land, cremation or burial-ground, tank, pathway or thrashing floor; or

(vi) any other prescribed grounds.

18. *Partition of holding.*—If any land donated for the Bhoodan Yagna forms part of a holding, the State Board or the Local Committee, as the case may be, may apply to the Tahsildar or the Deputy Tahsildar, in independent charge, as the case may be, having jurisdiction, for possession and the Tahsildar or the Deputy Tahsildar may, notwithstanding any provision in any other law to the contrary, partition the holding, demarcate the land and effect its subdivision.

19. *Grant of land by State Board.*—(1) The State Board may, in the manner prescribed, and as far as possible taking into consideration the wishes of the donor, grant any land which has vested in it to a landless poor person who is able and willing to cultivate the land or to the Government or a local authority for community purposes, and the grantee of the land shall acquire therein such rights and liabilities and subject to such conditions, restrictions and limitations as may be prescribed, and the same shall have effect, any other law to the contrary notwithstanding :

Provided that any political sufferer who has donated land under clause (*b*) of sub-section (1) of section 16 shall not be eligible for the grant of any land under this section.

(2) The State Board may take such steps for the management of the lands vested in it as it thinks fit until they are disposed of under this Act.

20. *Donation of land made prior to commencement of Act.*—(1) The State Board shall prepare a list of all lands donated for purposes of the Bhoodan Yagna, prior to the commencement of this Act, showing therein—

(*a*) the area, description and other particulars of the land,

(*b*) the name and address of the donor,

(*c*) the date of the donation,

(*d*) the nature of the interest of the donor in the land,

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(*e*) if the land has already been granted to any person in pursuance of the Bhoodan Yagna, the name and address of the person to whom the land has been granted (hereinafter called the grantee),

(*f*) the date of grant referred to in clause (*e*), and

(*g*) such other particulars as may be prescribed.

(2) Every list prepared under sub-section (1) shall be published in the *Fort St. George Gazette.*

(3) Upon such publication, the provisions of sub-sections (2) to (8) of section 17 shall apply in respect of land described in the list published under sub-section (2) as if such publication were a declaration in respect of that land filed under sub-section (3) of section 16 :

Provided that where an order is made by the Tahsildar or the Deputy Tahsildar under sub-section (4) of section 17 confirming the donation, such donation shall be deemed to have been accepted with effect from the date on which the donation was made and for this purpose, this Act shall be deemed to have been in force on such date.

(4) Where such land has been granted to any person it shall, with effect from the date of grant, be deemed further to have been granted to the grantee under and in accordance with the provisions of section 19.

21. *Funds of State Board.*—The State Board shall have its own fund and may accept grants, donations, gifts or loans from the Central Government or the State Government or any local authority or person for all or any of the purposes of the State Board.

22. *Application of funds.*—All property, moneys, funds and all other assets received by or vesting in the State Board shall be held and applied by it subject to the provisions and for the purposes of this Act.

23. *Filing of suits.*—Every order of the Tahsildar or the Deputy Tahsildar passed under sub-section (4) of section 17 shall be final and not be subject to appeal or revision :

Provided that any person whose interests are affected as a result of the donation of any land for purposes of the Bhoodan Yagna, whether before or after the commencement of this Act, may, within three months from the date of the order of the Tahsildar or the Deputy Tahsildar under sub-section (4) of section 17, as the case may be, institute a suit in the civil court having jurisdiction to set aside the order of the Tahsildar or the Deputy Tahsildar and the decision of such court shall be binding on the State Board.

24. *Exemption from stamp duty and registration.*—Notwithstanding anything contained in any other law, every declaration and every grant of land made or deemed to have been made under this Act shall be and be deemed always to have been exempt from

the payment of stamp duty and of encumbrance certificate fee, registration fee or of the fee payable for the attestation of a power-of-attorney under section 33, sub-section (2), of the Indian Registration Act, 1908 (Central Act XVI of 1908).

25. *Vesting of Gramdan lands in Sarvodaya Panchayat.*—(1) The provisions of sections 16, 17 and 20 shall as far as may be apply to lands donated for Gramdan as they apply to lands donated for Bhoodan Yagna.

(2) In any Gramdan village all Gramdan lands shall vest in the Sarvodaya Panchayat.

(3) No act done by a Sarvodaya Panchayat shall be invalid on the ground merely of the existence of any vacancy in or defect in the constitution of the panchayat.

26. *Management of Gramdan lands.*—(1) The Sarvodaya Panchayat shall have possession of and manage all the Gramdan lands vested in it.

(2) The Sarvodaya Panchayat shall have power—

(*a*) to arrange for the cultivation of all lands vested in it either by itself or by distributing them among the residents of the Gramdan village concerned whether jointly or severally;

(*b*) to distribute produce of the lands among the villagers in any manner it deems fit;

(*c*) to set apart lands for growing trees, raising fruits and vegetables or for any other purpose which is for the general good of the community specified in this behalf by the State Board from time to time;

(*d*) to make advances in kind or cash to the families of the Gramdan village to whom lands are distributed for cultivation and recover those advances;

(*e*) to carry out land improvements;

(*f*) to buy and install any machinery for improving cultivation:

(*g*) to provide, maintain and augment irrigation sources and facilities;

(*h*) to undertake reclamation of waste lands;

(*i*) to carry out soil conservation measures; and

(*j*) generally to undertake and carry out all measures to increase agricultural production.

(3) The Sarvodaya Panchayat shall have power to incur expenditure for all or any of the purposes mentioned in this section.

27. *Power to make regulations.*—(1) The State Board may, after consultation with the Government, make a regulations not inconsistent with this Act and the rules made thereunder, to provide for all matters for which provision is expedient for the purpose of giving effect to the provisions of this Act.

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(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(*a*) the procedure and the disposal of the business of the State Board and Local Committees:

(*b*) the remuneration and conditions of service of employees of the State Board, the Local Committees and the Sarvodaya Panchayat;

(*c*) the manner of constitution of the Sarvodaya Panchayat, the terms of office of the members including the chairman of the Sarvodaya Panchayat, the powers, functions and duties of the Sarvodaya Panchayat, the holding of meetings of the Sarvodaya Panchayat and the conduct of business thereat:

(*d*) the payment of travelling and other allowances to the chairman and members of the Sarvodaya Panchayat;

(*e*) the procedure to be followed by the Sarvodaya Panchayat in respect of financial matters generally, including the manner in which and the restrictions and conditions subject to which, expenditure should be incurred by it;

(*f*) the form in which the accounts of the Sarvodaya Panchayat shall be kept, the audit and publication of such accounts and the charges, if any, to be made for such audit:

(*g*) the preparation of an annual budget and the reports and returns to be furnished by it to the State Board and the Government;

(*h*) the delegation of powers and functions of the Sarvodaya Panchayat to the Chairman or any member thereof;

(*i*) the conduct and defence of legal proceedings and the manner of signing pleadings;

(*j*) the form and manner in which contracts may be executed by the State Board and the Sarvodaya Panchayat;

(*k*) generally the conduct of the business of the Sarvodaya Panchayat.

28. *Power to make rules.*—(1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the matters to be taken into account in granting lands to landless poor persons;

(*c*) the form of declaration and the manner in which it shall be filed and the documents to be filed along with the declaration;

(*d*) the nature, scope and manner of enquiry, hearing and disposal of objections and confirmation or supersession of the declaration under section 17;

(*e*) the service of notices under this Act;

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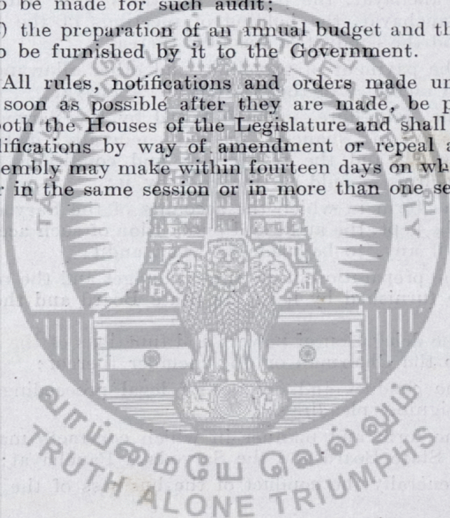
(*f*) the payment of travelling and other allowances to the Chairman and members of the State Board and Local Committees;

(*g*) the procedure to be followed by the State Board in respect of financial matters generally, including the manner in which, and the restrictions and conditions subject to which, expenditure should be incurred by it;

(*h*) the form in which the accounts of the State Board shall be kept, the audit and publication of such accounts and the charges, if any, to be made for such audit;

(*i*) the preparation of an annual budget and the reports and returns to be furnished by it to the Government.

(3) All rules, notifications and orders made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which it actually sits either in the same session or in more than one session.



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TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS